

**Court No. - 19**

**Case :-** MISC. SINGLE No. - 19651 of 2019

**Petitioner :-** Dr. Abdul Ali Tibya College & Hospital Thru. Principal  
**Respondent :-** U.O.I. Thru. Min. Of Ayurveda Yoga & Naturopathy Unani Siddh

**Counsel for Petitioner :-** Sameer Kalia, Rajat Rajan Singh

**Counsel for Respondent :-** C.S.C., A.S.G., Sharad Nandan Ojha

**Hon'ble Vivek Chaudhary, J.**

Heard learned counsel for petitioner, Sri Savitra Vardhan Singh, learned counsel for respondent nos. 1 & 2, learned standing counsel for respondent nos. 3 & 4, Sri Sharad Nandan Ojha, learned counsel for respondent no.5 and Sri Savitra Vardhan Singh, learned counsel for respondent no. 6.

Petitioner has approached this Court challenging the order dated 06.07.2019 passed by the respondent Union of India restraining the petitioners and respondent No. 3 from giving admission to any students for the academic year 2019-2020.

The petitioner is a recognized institution and is running an Ayurvedic College and Hospital having 5 years permission from 2016-2017 to 2020-2021.

Respondent No. 5, CCIM got inspection conducted on 28/29.3.2019 and found certain deficiencies in the Institution. As per Regulation 3 (2) of Indian Medicine Central Council (Requirements of Minimum Standard for Under Graduate Ayurveda Colleges and Attached Hospitals) Regulations, 2016, petitioners Institution is having 150 days' time to remove deficiencies but the Union of India in the impugned order has not granted 150 days' time to the institution and also denied permission for taking admissions in session 2019-2020.

Sri Savitra Vardhan Singh, learned for the Union of India and Sri Sharad Nandan Ojha, learned counsel for the CCIM strongly submit that if the Institution is permitted to take admission at this stage and it fails to remove the deficiencies within 150 days, it would be difficult to take any action against them. He places reliance upon the judgment dated 4.7.2018 passed in Civil Appeal No.6001 of 2018 :Medical Council of India. Vs. N.C. Medical College and Hospital and Ors. They further submit that the institution does not fulfill the requirement of RMS of 2016, as permission for admission in session 2019-2020 has been denied.

Sri Sameer Kalia and Sri Rajat Rajan Singh, learned counsels for petitioner have strongly submitted that whatever may be the consequences, equity cannot overtake law and respondents are bound by the provisions of Regulations and they have no power to bypass the period of 150 days. He further submits that presuming deficiency is removed, the petitioners Institution would suffer loss of total year as it would not be able to take admission of students. Sri Kalia further submits that the impugned order has been passed without giving 150 days time to rectify deficiency for the academic session 2019-2020.

I have heard learned counsel for parties and I am of the prima facie

opinion that the judgment of Hon'ble Supreme Court in the case of Medical Council of India (supra) is distinguishable on the facts of the case and also on the basis of Regulations applicable. Further, I find force in the submission of the learned counsel for the petitioners that they have 150 days' time to remove deficiency.

Looking to the facts and circumstances of the case, it is provided that the petitioner Institution shall remove the deficiencies within a period of 150 days from the date of impugned order and submit its reply as per Regulations aforesaid. The respondents authorities shall be at liberty to pass appropriate orders thereafter. Meanwhile, it shall be open for the petitioner and the respondents to take admission but on every admission they shall specifically note that the same is made under orders of this Court in the present writ petition and inform each student that the admission is subject to final orders passed in the present writ petition.

Meanwhile, parties shall exchange affidavits.

List after 150 days.

**Order Date :- 30.7.2019**  
AKS

Authenticated Copy

(Vivek Chaudhary,J.)

*AKS*  
*31-7-19*  
Assistant Registrar  
Computerized Copying Centre  
High Court, Lucknow Bench  
Lucknow



Rs. 12

05/11

Warning :- Don't tamper with the barcode.  
Embossing to be done below this line

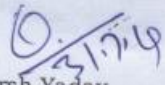

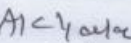


Embossing to be done above this line



**Computerized Copying Section, High Court of Judicature at  
Allahabad, Lucknow Bench**

Requisition Information								
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order	Court Fee	No.of Pages
6399	31.7.2019	MISS	19651	2019	Lucknow	30.7.2019	15.0	2

Printed/Prepared by	Authenticated by	Date of Issuance
Signature :-  Name :- Om Harsh Yadav Designation :- Review Officer Employee No. :- E7269 Date of Printing:- 31.7.2019	Signature :-  Name :-  Designation :- Section Officer- AR Employee No. :- 2730 Authenticated Copy ready on:- 31-7-19	31.7.19