

(2010) 10 P&H CK 0263

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 18644 of 2010

Saint Sahara College of Ayurveda

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: Oct. 13, 2010

Citation: (2011) 2 ILR (P&H) 684

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Judgement

Ranjit Singh, J.

The Petitioner is an unaided self financed Ayurvedic Medical College located in Bathinda. The Petitioner-College claims to have been granted permission to set up a College in the year 2007. The University had granted affiliation to the College for academic session 2007-08. The provisional affiliation was subsequently also granted for the session 2008-09. The College is, thus, running B.A.M.S course for the session 2007-08. The Petitioner-Institution applied to the Government of India for renewal of permission and in response thereto, the Petitioner Institution was apprised on 21.8.2009 that there was no requirement of obtaining permission on annual basis. The Respondent-University sent a letter to the Petitioner-College that counselling for admission for B.A.M.S course for the session 2009-10 will commence from 31.8.2009. On 30.1.2009, a surprise inspection was conducted by Respondent No. 2-Central Council of Indian Medicine and after expiry of eight months, the College received a show cause notice, pointing out some deficiencies. The University thereafter did not allow the Petitioner to participate in the second counselling for admission to B.A.M.S course, which was scheduled to be held on 17.9.2009. Aggrieved against the same, the Petitioner College filed Civil Writ Petition No. 15759 of 2009, seeking direction for permitting the College to admit the students in the B.A.M.S course in the second counselling, which was then scheduled for 14.10.2009. 2. Notice of motion was issued and the Petitioner College was permitted to participate in the counselling. Ultimately, Respondent No. 1 declined the permission

to the Petitioner-College for admission to the B.A.M.S course for the session 2009-10. Civil Writ Petition No. 15759 of 2009, filed by the Petitioner, was dismissed and the students allocated to the Petitioner-College were allocated to some other Institutions for further studies. The Petitioner-Institution was granted liberty to seek appropriate remedy against the order dated 30.10.2009. Accordingly, the Petitioner-Institution filed another Civil Writ Petition No. 17149 of 2009, challenging the order dated 30.10.2009. Arguments in the said writ petition were heard and the order has been reserved.

3. The Petitioner-College has now come up with the present petition as the College is wanting to make admissions to B.A.M.S course for 50 seats for the session 2010-11. Another inspection has been carried out on 20.2.2010 to re-assess the facilities of teaching and practical training for conducting the under graduate and post graduate courses, as the case may be. The grievance of the Petitioner is that even almost six months have elapsed but no order has been passed, though two deficiencies as pointed out have been answered by the Petitioner-Institution. The hearing has also been granted to the Petitioner-Institution on 4.8.2010. Another Central Team comprising of two doctors was detailed to inspect the College and the report has been given by the said Team of doctors. The Petitioner has also represented on 3.10.2010 but no decision has been communicated.

4. The permission to the Petitioner-College to admit students for the session 2009-10 has been declined. This order was subsequently challenged through a writ petition, which is yet to be decided. The issue involved is regarding deficiencies. The order passed is bound to have an effect on the issues raised in the present petition. It would be appropriate to wait for the decision before deciding the present writ petition. Even otherwise, no final order has been passed, which the Petitioner can impugn through the present writ petition. I am, therefore, not inclined to interfere in exercise of writ jurisdiction.

5. The writ petition is, thus, dismissed in limine.