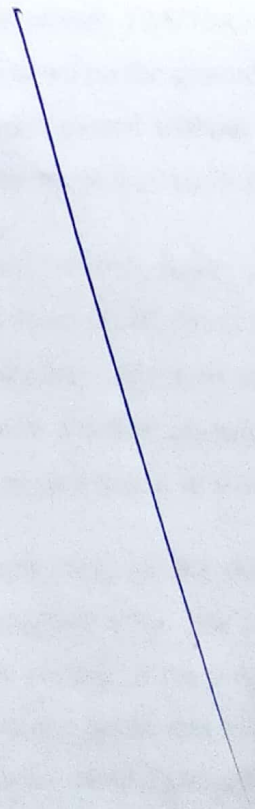




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Court No. - 19

Case :- MISC. SINGLE No. - 23222 of 2019

**Petitioner :-** Prakash Inst.Of Ayurvedic Medical Science & Research Thru. D

**Respondent :-** U.O.I. Ministry Of Ayush Thru. Secy. , New Delhi & Others

**Counsel for Petitioner :-** Badrish Kumar Tripathi

**Counsel for Respondent :-** C.S.C.,A.S.G.,Shree Prakash Singh,Subhash Bisaria

Hon'ble Vivek Chaudhary,J.

1. I have heard Sri Badrish Kumar Tripathi, learned counsel for petitioner's institution, Sri Savitra Vardhan Singh, learned counsel for respondent No.1., Union of India and Sri Shree Prakash Singh, leaned counsel for the respondent no.2, C.C.I.M, learned standing counsel for respondent No.3 and 4 and Subhash Bisaria, learned counsel for respondent No.5.

2. By the present writ petition, order dated 23.08.2019 of the Under Secretary, Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (Ayush) is challenged by the petitioner whereby permission is denied to petitioner's institution for taking admissions in U.G(BAMS) course for the academic session 2019-2020 under section 13A/13-C of the IMCC Act,1970. Challenge to the impugned order is based on the ground that the impugned order is a non speaking order and has been passed without application of mind.The petitioner institution is running since the year 2016-2017 with due approval.

3. Attention of this Court is drawn towards Annexure No.9, Minutes of the Meeting of the Ministry of Ayush dated 03.05.2019, which categorically notes reply of the petitioner to each and every objection raised in the CCIM report submitted to the Ministry of Ayush. Further attention is drawn towards the impugned order, more particularly to para nos. 6 to 9 of the same.

4. It is stated that not even a single reply or the document submitted by the petitioner is considered in the impugned order. The impugned order notes that representatives of the college were present in the meeting and thereafter, it has failed to consider the oral submissions made and documents submitted in the said meeting. Thus,the impugned order dated 23.08.2019 cannot stand.

5. Sri Savitra Vardhan Singh and Sri Shree Prakash Singh, learned counsels for

the respondents also could not show any consideration of the submissions made by the petitioner in the impugned order. Hence, a case for interference is made out.

6. Sri Savitra Vardhan Singh, learned counsel has accepted notices for respondent no.1.

7. Notices on behalf of respondent nos. 3 & 4 are accepted by learned Chief Standing Counsel and Sri Shree Prakash Singh, learned counsel is present for the respondent no. 2, CCIM and Sri Subhash Bisaria for respondent No.5 University.

8. Let Counter Affidavit be filed by the respondents within three weeks.

9. Rejoinder Affidavit, if any, may be filed within one week thereafter.

10. Connect with Writ Petition No.22484 (M/S) of 2019 and list after expiry of aforesaid period.

11. Meanwhile, operation and implementation of the impugned order dated 23.08.2019 shall remain stayed.

12. The respondents are directed to ensure that the petitioner is also permitted to participate provisionally in the counselling which has commenced from 22.8.2019. The fact of provisional permission shall be displayed on the counselling portal.

13. Meanwhile, it shall be open for the respondent no. 1 to pass a fresh order after taking into consideration all the submissions made by the petitioner.

14. Let a copy of this order be provided to the counsels for parties on payment of usual charges by today itself.

**Order Date :- 28.8.2019**

Arti/-

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(Vivek Chaudhary,J.)



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Requisition Information								
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order	Court Fee	No.of Pages
70938 of 2019	28.8.2019	MISS	23222	2019	Lucknow	28.8.2019	15.0	2

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Signature :- Name :- Om Harsh Yadav Designation :- Review Officer Employee No. :- E7269 <b>Date of Printing:- 28.8.2019</b>	Signature :- Name :- A.K. Yadav Designation :- Section Officer AR Employee No. :- 2730 <b>Authenticated Copy ready on:- 28-8-19</b>	28/8/19