

Fixed on: 15/06/2021

Despatch No.:CPC-C-U

Date:

97337-42
21

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3021 OF 2021

(Converted from SCA/3847/2021 dated 10/02/2021)

District: PATAN

MR. RAHIL P JAIN(7305) as ADVOCATE for
the Petitioner(s) No. 1

GOKUL AYURVEDIC COLLEGE ---- Petitioner(s)

V/S

UNION OF INDIA ---- Respondent(s)

LETTER OF AUTHORITY TO SERVE NOTICE - 1-3

To,

1

UNION OF INDIA
THRU. SECRETARY, MINISTRY
OF AYURVEDA, YOGA AND
NATUROPATHY, UNANI, SIDDHA
AND HOMOEOPATHY (AYUSH),
GOVERNMENT OF INDIA,
AYUSH BHAVAN, B-BLOCK, GPO
COMPLEX,
INA, NEW DELHI 110023

2

CENTRAL COUNCIL OF INDIAN
MEDICINE
THROU REGISTRAR, OFFICE AT
JAWAHARLAL NEHRU BHARTIYA
CHIKITSA AVAM HOMEOPATHY
ANUSANDHAN BHAVAN, NO 61-
65, INSTITUTIONAL AREA,
OPP D BLOCK, JANAKPURI NEW
DELHI 110058

3

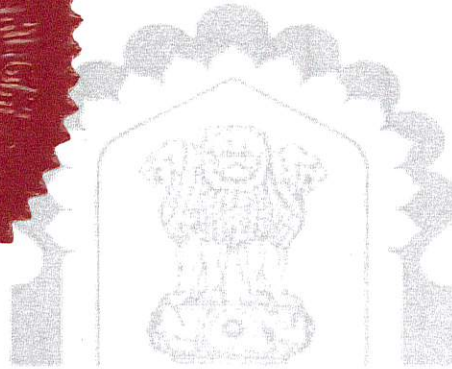
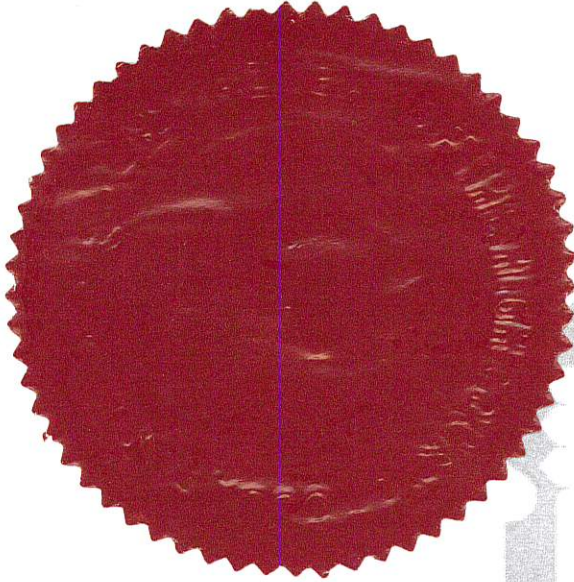
OUTSIDE GUJARAT-110023
THE ADMISSION COMMITTEE
FOR PROFESSIONAL COURSES
UNDER GRADUATE MEDICAL
COURSES, GUJARAT
THRU MEMBER SECRETARY,
OFFICE AT GMERS MEDICAL
COLLEGE, SECTOR 12B,
GANDHINAGAR 382012

TAKE NOTICE that this High Court having on 17/02/2021 ordered Notice to issue in the above mentioned SPECIAL CIVIL APPLICATION filed in this High Court, and the Petitioner(s) having prayed for the Direct Service of the Notice, the Petitioner(s) or his agent carrying this letter of authority is here by authorized to serve upon you or your agent the accompanying Notice ordered to issue in the said SPECIAL CIVIL APPLICATION

Dated this 18th Day Of February, 2021

By the Court


DEPUTY/ASSISTANT REGISTRAR



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THE HIGH COURT
OF GUJARAT

TO BE RETURNED TO THIS COURT DULY SERVED/TO BE SERVED UPON
Petitioner(s)/Respondent(s)/Addressee No.

Fixed on: 15/06/2021
Despatch No.:CPC-C-U
Date:

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3021 OF 2021
(Converted from SCA/3847/2021 dated 10/02/2021)

District: PATAN

MR. RAHIL P JAIN(7305) as ADVOCATE for
the Petitioner(s) No. 1

GOKUL AYURVEDIC COLLEGE ---- Petitioner(s)

V/S

UNION OF INDIA ---- Respondent(s)

To,

1	UNION OF INDIA THRU. SECRETARY, MINISTRY OF AYURVEDA, YOGA AND NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY (AYUSH), GOVERNMENT OF INDIA, AYUSH BHAVAN, B-BLOCK, GPO COMPLEX, INA, NEW DELHI 110023	2	CENTRAL COUNCIL OF INDIAN MEDICINE THROU REGISTRAR, OFFICE AT JAWAHARLAL NEHRU BHARTIYA CHIKITSA AVAM HOMEOPATHY ANUSANDHAN BHAVAN, NO 61- 65, INSTITUTIONAL AREA, OPP D BLOCK, JANAKPURI NEW DELHI 110058
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3

OUTSIDE GUJARAT-110023
THE ADMISSION COMMITTEE
FOR PROFESSIONAL COURSES
UNDER GRADUATE MEDICAL
COURSES, GUJARAT
THRU MEMBER SECRETARY,
OFFICE AT GMERS MEDICAL
COLLEGE, SECTOR 12B,
GANDHINAGAR 382012

Take Notice that the Petitioner(s) abovenamed having presented a SPECIAL CIVIL APPLICATION to this High Court under the Articles 226,227 of the Constitution of India to grant relief as prayed in prayer clause as stated in the accompanying copy of the petition and the same having been registered in this Court as SPECIAL CIVIL APPLICATION and this Court having on 17th day of February, 2021 ordered Notice to issue, it is ordered by this court that the hearing of the said SPECIAL CIVIL APPLICATION will take place on 15th day of June, 2021 at 11 AM peremptorily in this Court and if no appearance is made on your behalf, by yourself, your advocate or by someone authorised by law to act for you, it will be heard and determined in your absence.

Court's Order:

CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV

Date : 17/02/2021

ORAL ORDER

1. Heard Mr. Gautam Joshi, learned Senior Counsel appearing with Mr. Rahil Jain, learned advocate for the petitioner and Mr. Harsheel Shukla, learned advocate for the respondents no. 1 and 2.

2. In this petition, under Article 226 of the Constitution of India, challenge is to the communication dated 03.02.2021 by which the petitioner Gokul Ayurvedic College has been denied permission for undergraduate (BAMS) course for the academic session 2020-21. The impugned order would indicate several shortcomings in the teaching staff

so as to deny permission. According to the communication impugned in this petition, several deficiencies have been communicated to the petitioner college. The deficiencies are six in number. Perusal of the order would indicate that if the deficiencies are narrated in seriatim, they

are as under:

(I) Only 07 teachers are available against the requirement of 13 teachers as per RMS, 2016.

(II) Higher faculty is not available in Rachna Sharir, Kriya Sharir, Dravyaguna, Rasa Shastra and Rog Nidan department against the minimum requirement of 1 each as per RMS, 2016.

(III) Sanskrit teacher is not available in Ayurveda Samhita and Siddhant.

(IV) Lower faculty is not available in Kriya Sharir against the requirement of 1 faculty.

(V) 130 plant species are available against the requirement of 150.

(VI) College website is not updated as per the specifications in

the regulations.

3. Mr. Gautam Joshi, learned Senior Advocate appearing with Mr. Rahil Jain, learned advocate for the petitioner college would invite the

attention of the court to the submissions made by the college in respect of

each deficiencies. As far as deficiency (I) is concerned viz-a-viz faculty

named in the observations of the Hearing Committee, it has been pointed

out that each of the member of the higher faculty is available in the departments except Rog Nidan. Documents such as the Gujarat State Registration Applied Receipts in proof of having applied for such registrations, attendance muster, EPF statements, salary sheet, Form 16

and 26AS, photographs of event participated in the college etc were presented before the Hearing Committee. Observations of the Hearing Committee would subsequently suggest that the only ground on which the submissions have been discarded is that the higher faculty of Dravyaguna did not attend the hearing conducted by the Board of Governors. As far as other faculties are concerned, the opinion of the Hearing Committee was that these documents were not genuine. As far as the objections regarding faculty not registered with the State of Gujarat

is concerned, it has been pointed out by Mr. Joshi, learned Senior Counsel that in order to apply for a code under the State, it is time consuming. Similar submissions made in context of deficiencies (II) to (VI) would indicate that the documents had been produced before the committee which have been discarded. Such documents have also been extensively annexed with the petition. Perusal of the documents with the

petition would indicate that certificates of registration of the concerned

faculties, letter of the college enlisting these details have been produced.

The order impugned reflects no reason except reiteration of defects enumerated and the observations of the Hearing Committee as "overall observations". Mr. Joshi would also rely on the orders passed by this court in context of a similar orders of the committees impugned before this court in SCA No. 13878 of 2019 with SCA No. 13877 of 2019.

4. Considering the aforesaid, Rule returnable on 15.06.2021. There shall be interim relief in terms of para 10(B). It is clarified that the

admissions to the college will be made with a specific undertaking and notice to the students seeking admissions in the petitioner college that

their admissions are subject to the outcome of the present petition. Direct

THE HIGH COURT
OF GUJARAT

service is permitted.
(BIREN VAISHNAV, J)
DIVYA

Witness VIKRAM NATH, Esquire the CHIEF JUSTICE at Ahmedabad
aforesaid this 17th day of February, 2021

By the Court

DEPUTY/ASSISTANT REGISTRAR

This 10th Day Of February, 2021

(A copy of R/SPECIAL CIVIL APPLICATION NO.
3021 OF 2021 enclosed here within)

TRUE COPY

Deputy/Assistant Registrar
High Court Of Gujarat
at Sola, Ahmedabad

You are hereby informed that the free legal services from the State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluka Legal Services Committees, as per eligibility criteria, are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authorities/Committees.

You are also informed that if you desire to negotiate your case for compromise, you may request the court to refer the case to the Gujarat High Court Mediation Centre.

S.O.

Dy. S.O

TO BE SERVED UPON Petitioner(s)/Respondent(s)
TO BE RETURNED TO THIS COURT DULY SERVED/EXECUTED

[INTERIM STAY OF EXECUTION ORDER XLI OF CPC]

Fixed on: 15/06/2021

Despatch No.:CPC-C-U

Date:

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3021 OF 2021
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GOKUL AYURVEDIC COLLEGE ---- Petitioner(s)

V/S

UNION OF INDIA ---- Respondent(s)

To,

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AT GMERS MEDICAL COLLEGE,
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Upon reading the SPECIAL CIVIL APPLICATION of the abovenamed
Petitioner(s) presented to the Court through his/her/their advocate
MR. RAHIL P JAIN(7305) praying in para 10(B): to stay the

implementation and operation of the impugned order dated 3.2.2021 and thereupon, be pleased to direct the Respondent authorities to allow the Petitioner college to participate in admission process for the academic year 2020-2021 in the course of UG Bachelor of Ayurvedic Medicine and Surgery (BAMS) and to admit students.

AND WHEREAS Upon Hearing

MR. RAHIL P JAIN(7305), ADVOCATE for the PETITIONER(s) No. 1

DS AFF.NOT FILED (R) (71) for the RESPONDENT(s) No. 1 - 2

MR. KM ANTANI(6547), ADVOCATE for the RESPONDENT(s) No. 3

The Hon'ble court has passed the following order

CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV

Date : 17/02/2021

ORAL ORDER

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Direct

service is permitted.

THE HIGH COURT
OF GUJARAT

(BIREN VAISHNAV, J)
DIVYA

Orders Accordingly.....

Witness VIKRAM NATH, Esquire the CHIEF JUSTICE at Ahmedabad
aforesaid this 17th day of February, 2021

By the Court

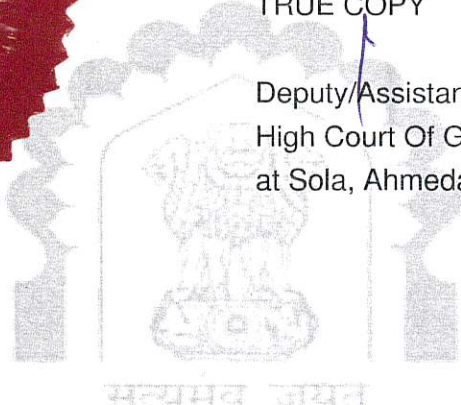


DEPUTY REGISTRAR

This 18th Day Of February, 2021

TRUE COPY

Deputy/Assistant Registrar
High Court Of Gujarat
at Sola, Ahmedabad


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