

DISTRICT : CHANDRAPUR.

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY; NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION NO...../2021

IN

WRIT PETITION NO.6589/2016

- PETITIONERS/1.** Sanmitra Mandal,
APPLICANTS : Chandrapur, Through its
Secretary Shri Nilesh Chore,
having its Registered Office
at Ganpati Ward, Pathanpura
Road, Chandrapur.
2. Purushottamdas Bagla
Homeopathic Medical College &
Hospital, Pathanpura Gate,
Arwat, Post:Marda, District:
Chandrapur, through its
Principal.

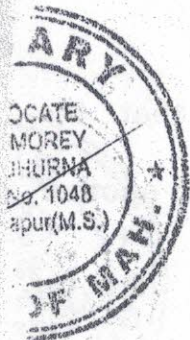
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- RESPONDENTS:** 1. Union of India, through Secretary,
Ministry of Ayurveda, Yoga and
Naturopathy, Unani, Siddha
and Homeopathy (AYUSH),
Ayush Bhawan, B-Block GPO
Complex, INA, New Delhi-23.
2. Central Council of
Homeopathy, Through its



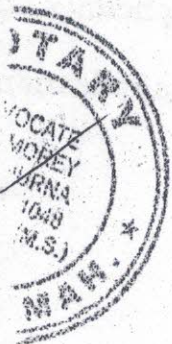
dated 15/11/2016 which is received by petitioner No. 2 through E-mail on 16/11/2016 by which respondent no.1 has directed to the Principal of petitioner No.2 college to ensure that no admission are made in the college during the academic sessions 2016-17 on the basis that the petitioners/applicants have not complied with the conditions stipulated in the Regulation of Central Council of Homeopathy, which is apparently illegal as the petitioners/applicants have achieved all the conditions as per the Regulations. A copy of the order dated 15.11.2016 is annexed as **"Document No. I"**.

2. The petitioners/applicants submit that the writ petition was listed before this Honourable Court on 23.11.2016 on which date this Honourable Court was pleased to pass an order not only issuing notice to the respondents but also by observing that this



letter dated 14.02.2017, informing that the respondent number 4 University has accepted the eligibility of the students and their registrations on temporary basis subject to final result of the present petition. A copy of the letter dated 14.02.2017 is annexed as **“Document No. IV”**.

5. The petitioners/applicants further submit that thereafter inspection was conducted in relation to recommending admission of students for the academic session 2017 – 2018. After conducting the said process the respondent number 1 granted permission to the petitioner number 2 college for continuing admissions for the academic sessions 2017 – 2018. A copy of this letter of permission dated 11.09.2017 is annexed as **“Document No. V”**. The petitioners/applicants submit that the effect of this order would be the earlier deficiencies which alleged to have existed can be said to have been removed.



respondent number 4 University declared the results provisionally subject to the outcome of the writ petition i.e. 6589/2016. A copy of the result of 1 of such students is annexed as an illustration as **“Document No. VII”**.

8. The petitioners/applicants submit that the writ petition was the listed on 06.03.2018 before this Honourable Court. On the said date this Honourable Court was pleased to issue rule in the writ petition and directed the present petition to be listed along with the writ petitions number 6527/2016, 6528/2016 and 6264/2016. This Honourable Court was also pleased to continue the ad interim relief dated 23.11.2016 to continue during the pendency of the present petition. A copy of the order dated 06.03.2018 is annexed and demand as **“Document No. VIII”**.



11. The petitioners/applicants submit that thereafter the respondent number 1 issued an order dated 04.09.2018 denying admission of 50 students in the petitioner number 2 college for the academic session 2018 - 2019 alleging that there are certain deficiencies in the petitioner number 2 college. A copy of this order dated 04009.2018 is annexed as **"Document No. XI"**.

12. The petitioners/applicants submit that the petitioners/applicants then filed a writ petition bearing WP number 5974 of 2018 challenging the order dated 04.09.2018 denying permission to the petitioner number 2 college to admit students for the academic session 2018 - 2019. It is further submitted that the said writ petition was listed before this Honourable Court on 12.09.2018 on which that this Honourable Court was pleased to issue notice to the



students were granted eligibility and registration. A copy of this letter dated 27.03.2019 is annexed as **"Documents No. XIV"** along with the list.

14. The petitioners/applicants submit that thereafter the respondent number 1 issued an order dated 28.05.2019 granting permission to the petitioner number 2 college to admit students in the academic session 2019-2020. A copy of this order dated 28.05.2019 is annexed as **"Document No. XV"**. This letter of permission would indicate that the earlier deficiencies as alleged, ceased to exist.

15. The applicants submit that the respondent no. 1 has also issued an order granting permission to the petitioner no. 2 College to admit students in the academic session 2020-2021. A copy of this order is annexed as **"Document No. XVI"**.



students including the ones whose result were withheld, after serving a copy on the respondent no. 4. The applicant therefore was not required move before this Hon'ble court the civil application bearing CA WST No. 4787/2020.

17. The petitioners/applicants submit that again the respondent no. 4 on 10.02.2021, issued a letter saying that they are withholding the results of the students who had appeared for examination of Summer 2020. A copy of this letter is annexed as "**Document No. XVII**". However, subsequently even this result was declared which is clear from the declared result in the month of February 2021.

18. The petitioners/applicants submit that now the respondent no. 4 has again issued a letter dated 28.03.2021, stating that they are withholding the results of students whose names are reflected in the list attached to the letter. A copy of this letter dated



dated 23.11.2016, now the respondent number 4 University has withheld the result on the ground of eligibility, which is totally arbitrary and illegal. The same is also contrary to the order passed by this Honourable Court by which the impugned order itself is stayed and therefore the eligibility cannot be refused of results cannot be withheld. The petitioners/applicants therefore submit that they have no other alternative but to file the present application and seek the directions as prayed for. If the relief is not granted, the carrier of the students would be adversely affected and they would suffer an irreparable loss.

21. The applicants submit that the respondent no. 4 cannot refuse to grant permanent eligibility to the 50 students who were admitted in the BHMS Course in the academic session 2016-2017 in the petitioner no. 2 College on the ground that the present petition is pending. It is submitted that this Hon'ble Court has



students of the academic year 2016-2017 on the basis of the interim passed in the present petition. Therefore, the inaction on part of the respondent no. 4 is against the article 14 of the Constitution of India and cannot be sustainable in law and needs to be rectified immediately, in the interest of justice.

Hence this application.

PRAYER

It is therefore prayed that this Hon'ble Court may kindly be pleased to:

- A) Direct the respondent no. 4 to declare results of all the 9 students of 2016-2017 batch & whose names are included in the list at serial no. 569, 571 to 576, 578 & 579 in document no. "XVIII" collectively by holding that they cannot be withheld as has been done by the respondent no. 4, in the interest of justice.



with the facts of the present case, do hereby take oath and state on solemn affirmation that the above application is drafted by my counsel as per my instructions. I have gone through the same and after understanding the contents thereof, I say that the contents of paras 1 to 22 above are true to my personal knowledge and belief.

Hence, verified and signed at Nagpur on this ____ day of August, 2021.

[Signature]
Principal

DEPONENT Pathic Medical College & Hospital, Chandrapur

I know & identify the deponent

[Signature]

ADVOCATE

Adv. Nilesh S. Chore
Secretary

Sanmitra Mandal,
Chandrapur (M.S.)



NOTARIAL REGR
ENTRY NO. 253/21
DATE 29-8-21

Sworn before me on this 29th day of Aug. 21
by Shri/Smt. Dr. Umesh
S/o. W/o. D/o. Varad Madhwar
Residence of Chandrapur
Who is personally known to me & who has been
Identified by Shri Adv. Nilesh S. Chore
Whose Signature is appended here to

[Signature]
K. B. Morey
NOTARY (Govt. of Madhya Pradesh)
Reg. No. 1048, Chandrapur (M.S.)

