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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3742/2022 & CM APPL. 11120/2022 -Stay., CM APPL.
11121/2022 -Ex.

PREM RAGHU AYURVEDIC MEDICAL COLLEGE AND
HOSPITAL

..... Petitioner

Through Mr. A. Mariarputham, Sr. Adv. with
Mr. Avneesh Aruptham and Mr.
Abhaid Parikh, Advs.

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through Mr. Vijay Joshi, Mr. Vicky Kumar
and Mr. Ved Prakash, Advs. for R-1
Ms. Archana Pathak Dave, Adv. for
R-2&3

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **04.03.2022**

CM APPL. 11121/2022 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 3742/2022 & CM APPL. 11120/2022 -Stay

3. The petitioner has approached this Court assailing the denial order dated 10.12.2021 whereby the petitioner's request for grant of recognition of 60 seats in BAMS has been rejected. The petitioner also assails the order dated 11.01.2022 vide which its first appeal has

been rejected by respondent no.2.

4. Learned counsel for the petitioner submits that though the petitioner has already preferred a second appeal before respondent no.1 on 31.12.2021, the same remains undecided till date. In the meanwhile counselling for Ayurvedic colleges in the State of U.P. is commencing but on account of the impugned order, the petitioner will be prevented from participating in the said counselling. He submits that the only short coming alleged against the petitioner is regarding shortfall of one faculty member in the 'Swasthavritta & Yoga Department'. Even Dr. Warke has already been appointed as professor in the said department on 08.11.2021. He submits that the respondent no.2 has on a wholly erroneous presumption declined to accept his appointment as valid. He therefore prays that the petitioner be permitted to participate in the forthcoming counselling.
5. Issue notice Mr. Vijay Joshi and Ms. Archana Pathak Dave accept notice on behalf of respondent nos. 1, 2 & 3 respectively.
6. Upon the petitioner taking steps, issue notice to the respondent no. 4 and 5 through all permissible modes, returnable on the next date.
7. Mr. Joshi, learned counsel for the respondent no.1 submits that the hearing of the appeal is likely to take some time. In these circumstances, once it *prime facie* appears that the petitioner has already rectified the deficiency mentioned in the denial order dated 10.12.2021, I am of the view that grave and irreparable prejudice will be caused to the petitioner, in case, it is not permitted to participate in the ongoing counselling. I cannot also lose sight of the fact that the petitioner-institution has been running since 2016-2017.

8. The petitioner is, accordingly, permitted to participate in the counselling for 60 seats of BAMS for the academic session 2021-22.
9. Needless to state that the said participation will be subject to the outcome of the present petition. The petitioner will publish a notice on its web portal informing the general public that its participation in the counselling would be subject to the outcome of the present petition.
10. It is further made clear that no special equities will be created in favour of the petitioner or the students on account of this interim order.
11. The application is accordingly disposed of.

W.P.(C) 3742/2022

12. List the petition on 25.04.2022.

MARCH 4, 2022
ms

REKHA PALLI, J