

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

**HON'BLE SHRI JUSTICE ANAND PATHAK
&
HON'BLE SHRI JUSTICE HIRDESH**

ON THE 19th OF JUNE, 2025

WRIT PETITION NO. 29785 of 2024

**SOPHIA HOMOEOPATHIC MEDICAL COLLEGE AND RESEARCH
INSTITUTE**

Vs.

UNION OF INDIA AND OTHERS

APPEARANCE:

*Shri K.N. Gupta – Senior Advocate with Shri Santosh Agrawal -
Advocate for the petitioner.*

*Shri Praveen Kumar Newaskar – Dy. Solicitor General for
respondent No.1&2/Union of India.*

*Vivek Khedkar – Additional Advocate General for respondents
No.3&4/State.*

Shri Amin Khan – Advocate for respondent No.5.

ORDER

1. The present petition under Article 226 of the Constitution is preferred by the petitioner seeking following reliefs:

“It is humbly prayed that the writ in the nature of writ of mandamus or certiorari, or any other suitable writ order or direction may kindly be issued by setting aside Annexure P-1 and respondent no.2 NCH may kindly be directed to consider the circumstances in which admissions were taken, and by approving the admission of 11 P.G. Students (as per List Annexure P-18) of session 2022-23 do needful in accordance with law. Any other

relief which this Hon'ble court may deems fit may also be granted."

2. It is the submission of learned counsel for the petitioner that petitioner is a society which is running the college in the name of Sophia Homoeopathic Medical College and Research Institute. According to petitioner, due to technical glitch some students' admission process could not be started and despite request, respondents have not provided link to the petitioner for registration of students, therefore, under compelled circumstances, petitioner given admission to 11 students Offline and sent the information in this regard to the respondents also. Thereafter, since those students are refused to be regularized vide impugned letter dated 16-06-2023, therefore, petitioner is before this Court. According to petitioner, if those 11 students were not regularized then they shall suffer adversely. Thus, prayed that respondents be directed to approve the admission.
3. Learned counsel for the respondents/State as well as respondent No.5 opposed the submission made by the petitioner's counsel and submits that it was the lapse on part of petitioner which did not choose to complete all the formalities before the last date i.e. 08-04-2023 and thereafter acting against the rules and regulations, gave Offline admission to the students. Thus, prayed for dismissal of this petition.
4. Heard learned counsel for the parties and perused the documents appended thereto.
5. This is a case where petitioner college is espousing the cause of 11 students who were given admission offline. Present case is governed by the rules – The Madhya Pradesh (Homeopathy) Snatakottar Pathyakram Pravesh Rules, 2022 promulgated on 01-11-2022. Clause

9 deals in respect of registration and clause 12 in respect of counseling. Clause 12.4 stipulated that after mop up round if any seat is lying vacant then Commissioner, Ayush would be the competent authority regarding admission process, his decision shall be final.

6. Argument of petitioner was that due to technical glitch cases of those 11 students were not processed Online for admission. Therefore, college gave them Offline admission and fighting with the respondents to accept those 11 Offline admission as regular admission. However, said contention is misplaced because order dated 16-06-2023 (Annexure P/1) categorically mentions the position that no Offline admission can be approved and therefore, college is not permitted to admit students through college level counseling.
7. Clause 9 and 12.4 are reproduced for ready reference:

“9- रजिस्ट्रेशन -

अयुष संघलनलय द्वारा काउंसिलिंग के निर्धारित समय सरणी एवं विस्तृत कार्यक्रम जारी कर संघलनलय अयुष, म.प्र. के वेबसाइट www.mp.ayush.gov.in तथा www.mp.ayush.mponline.gov.in एवं MP Online पोर्टल पर प्रदर्शित किये जावेंगे। अभ्यर्थक को रजिस्ट्रेशन हेतु MP Online के पोर्टल अथवा Kiosk पर जाकर रजिस्ट्रेशन कराना होगा, जिसका निर्धारित शुल्क 500/- (पाँच सौ रुपये मात्र) देना होगा। रजिस्ट्रेशन होने के पश्चात् प्रत्येक अभ्यर्थक को रजिस्ट्रेशन नम्बर एवं एक अस्थायी गुप्त पर्सकार्ड प्रदाय किये जावेंगे, जिससे अभ्यर्थक को चवईस फिलिंग के समय बदलाना अनिवार्य होगा।

काउंसिलिंग हेतु रजिस्ट्रेशन करने वाले अभ्यर्थियों को ही काउंसिलिंग के चरणों में सम्मिलित किये जावेंगे। इस संबंध में किसी भी प्रकार का अन्य कोई अभ्यर्थक/दवा मांग नहीं होगी।

9.1 आंशिक शुल्क:-

अभ्यर्थियों को काउंसिलिंग प्रक्रिया में सम्मिलित होने हेतु चवईस फिलिंग करते समय

अनारक्षित प्रर्षा हेतु रशि रूपे 15,000/- (पंद्रह हजर रूपे मत्र) तथ अनरक्षित प्रर्षा (अनुसूचित जति, अनुसूचित जनजाति, अन्य पिछ्ठ वर्ग एवं अर्थिक रूप से कमजोर वर्ग) हेतु रशि रूपे 5,000/- (पंच हजर रूपे मत्र)" अंशिक शुल्क" जम करन हेगा। काउंसिलिंग के किसी भी चरण में प्रवेश प्राप्त करने के उपरान्त अंशिक शुल्क काउंसिलिंग सम्पत्ति के पश्चात् अंबंदि म्हाविद्यालय को संचालनलय द्वारा अंरित कर दिय जयेगा। काउंसिलिंग के सम्पत्त चरणों में अनवंदि (*Not Allotted*) अभ्यर्थियों के काउंसिलिंग सम्पत्ति के पश्चात् यह अंशिक शुल्क उनके द्वारा पंजीयन के समय बतये गये बैंक खते में संचालनलय द्वारा वपस कर दिय येगा।

12.4 काउंसिलिंग के अंतिम चरण पश्चात् -

काउंसिलिंग के संबंघ में प्रवेश हेतु समय-समय पर अयुष मंत्रालय, भारत सरकार के निर्देशों के अनुसार राज्य शासन द्वारा निर्धारित प्रक्रिय का पालन करन हेगा। मॉपअप चरण के पश्चात् रिक्त स्त्री सीटे पर प्रवेश प्रक्रिय के संबंघ में अनुमत्त, अयुष सक्षम प्राधिकात्री होंगे, जिन्का निर्णय अंतिम हेगा।"

8. Perusal of clause 9 and 12.4 of indicates that there cannot be any different mode of application then Online counseling. Clause 12.4 gives power to the Commissioner in respect of admission process to be adopted after mop up round. It does not talk about power to give admission, but it talks about "admission process". Therefore, in the conspectus of facts and circumstances of the case, no case for interference is made out in the present case.
9. In the considered opinion of this Court, this Court cannot extend the date of admission/exam etc. It is for the expert bodies to decide, therefore, cumulatively, no illegality or arbitrariness has been caused by the respondents while denying 11 students of petitioner college to appear in examination conducted for academic session 2022-23 or onwards.
10. In attending facts and circumstances of the case, this Court does not

find any reason warranting interference in the present case. Petition fails and is hereby **dismissed**.

Anil*

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE