

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

BEFORE

HON'BLE SHRI JUSTICE SHEEL NAGU

&

HON'BLE SHRI JUSTICE VIVEK AGARWAL

WRIT PETITION No. 5626 of 2021

BETWEEN:-

1. HAHNEMANN HOMEOPATHIC MEDICAL COLLEGE AND HOSPITAL BHOPAL THR. ITS PRINCIPAL DR. NISHA SEKHRI W/O DR. S.K. SEKHRI NEW JAIL BYPASS ROAD KAROUND BHOPAL MP (MADHYA PRADESH)
2. MAHATMA GANDHI HOMEOPATHIC MEDICAL COLLEGE AND HOSPITAL, JABALPUR THROUGH ITS DIRECTOR, MR. RAJENDRA VERMA S/O LATE K.C. VERMA A/A 50 YEARS NEEM-KHEDA GOUR TIRAHA, OPP. MARBLE ROCK SCHOOL, JABALPUR (MADHYA PRADESH)
3. NARAYAN SHRI HOMEOPATHIC MEDICAL COLLEGE AND HOSPITAL, BHOPAL THROUGH ITS PRINCIPAL, DR. R.S. AGRAWAL S/O MR. BHANWARI LAL AGARWAL A/A 45 YEARS PUSHPA NAGAR, NEAR MAIN RAILWAY STATION, BHOPAL (M.P.) (MADHYA PRADESH)
4. ANUSHREE HOMEOPATHIC MEDICAL COLLEGE, JABALPUR THROUGH ITS MANAGING DIRECTOR, MR. ANIRUUDH VISHNOI S/O MR. AJAY BISHNOI A/A 33 YEARS KASOUDHAN NAGAR, KARMETA, JABALPUR (M.P.) (MADHYA PRADESH)

.....PETITIONERS

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS.

ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY DEPT. OF AYUSH 3RD FLOOR VALLABH BHAWAN BHOPAL MP (MADHYA PRADESH)
2. DIRECTORATE OF AYUSH/COUNSELLING AUTHORITY STATE OF M.P. THROUGH ITS COMMISSIONER/DIRECTOR GROUND FLOOR D WING SATPURA BHAWAN, BHOPAL, M.P. (MADHYA PRADESH)
3. UNION OF INDIA, MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B- BLOCK, INA, NEW DELHI (DELHI)
4. CENTRAL COUNCIL FOR HOMEOPATHY THROUGH ITS MEMBER SECRETARY/CHAIRMAN 61-65, SEWA MARG, OPP D BLOCK, INSTITUTIONAL AREA, JANAKPURI, NEW DELHI, DELHI (DELHI)
5. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVERNMENT OF INDIA THROUGH ITS SECRETARY C-20, 1A/8, SECTOR 62, IITK OUTRACH CENTRE NEODA 201309 1ST FLOOR NSIC - MDBP BUILDING (DELHI)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 4609 of 2022

BETWEEN:-

1. RANI DULLAIYA SMRITI HOMEOPATHY MEDICAL COLLEGE AND HOSPITAL THROUGH PRINCIPAL DR.SANJAY PATKAR S/O LATE SITA RAM PATKAR HD 46, ABHIRUCHI PARISAR, OLD SUBHASH NAGAR, BHOPAL (MADHYA PRADESH)
2. SHIVANG HOMEOPATHIC MEDICAL COLLEGE, BHOPAL THROUGH ITS PRINCIPAL DR. D.N.MISHRA S/O SHRI J.N.MISHRA R/O SHIVANG HOMEOPATHIC MEDICAL COLLEGE, BHOPAL (M.P.) (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY AYUSH DEPTT. III FLOOR VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
2. DIRECTORATE OF AYUSH/ COUNSELLING AUTHORITY, STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER/DIRECTOR GROUND FLOOR, D WING SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)
3. UNION OF INDIA, MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-BLOCK, INA, NEW DELHI (DELHI)
4. CENTRAL COUNCIL FOR HOMEOPATHY THROUGH ITS

MEMBER SECRETARY/CHAIRMAN 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA, JANAKPURI, NEW DELHI, DELHI (DELHI)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 6104 of 2022

BETWEEN:-

SCHOOL OF HOMEOPATHY SRI SATYA SAI UNIVERSITY OF TECHNOLOGY AAND MEDICAL SCIENCES THROUGH PRINCIPAL DR.UMESH KUMAR PANDEY S/O LATE R.D.PANDEY OPPOSITE OILFED PLANT, PACHAMA SH-18, BHOPAL INDORE ROAD, SEHORE (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY AYUSH DEPTT III FLOOR, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
2. DIRECTOR OF AYUSH/ COUNSELLING AUTHORITY STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER/ DIRECTOR GROUND

FLOOR, D WING, SATPUDA BHAWAN,
BHOPAL (MADHYA PRADESH)

3. UNION OF INDIA, MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-BLOCK, INA, NEW DELHI (DELHI)
4. NATIONAL COMMISSION FOR HOMEOPATHY, THROUGH ITS MEMBER SECRETARY/ CHAIRMEN 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA, JANAKPURI, NEW DELHI, DELHI (DELHI)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 6199 of 2022

BETWEEN:-

1. R.K.D.F. HOMEOPATHIC MEDICAL COLLEGE AND HOSPITAL RESEARCH CENTER BHOPAL THROUGH PRINCIPAL DR.A.D.KHAN S/O LATE M.D.KHAN MILE STONE 12, HOSHANGABAD ROAD, JAATKHEDI, DISTRICT BHOPAL (MADHYA PRADESH)
2. RAM KRISHNA COLLEGE OF HOMEOPATHIC MEDICAL SCIENCES THROUGH PRINCIPAL DR. ANOOP J KATYAYAN S/O LATE DR. J.Y KATYAYAN PETITIONER INSTITUTION REGISTERED ADDRESS AIRPORT BYPASS ROAD GANDHINAGAR DISTRICT BHOPAL M.P. (MADHYA

PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY AYUSH DEPTT III FLOOR VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
2. DIRECTORATE OF AYUSH/ COUNSELLING AUTHORITY STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER/DIRECTOR GROUND FLOOR D WING SATPURA BHAWAN BHOPAL (MADHYA PRADESH)
3. UNION OF INDIA MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX AYUSH BHAWAN B BLOCK INA NEW DELHI (DELHI)
4. NATIONAL COMMISSION FO HOMEOPATHY THROUGH ITS MEMBER SECRETARY/CHAIRMAN 61-65 SEWA MARG, OPP. D BLOCK INSTITUTIONAL AREA JANAHPURI NEW DELHI (DELHI)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 6791 of 2022

BETWEEN:-

S.M.DEO HOMEOPATHIC MEDICAL COLLEGE AND HOSPITAL SADAR PATEL CAMPUS GAYKHURI BALAGHAT THROUGH DIRECTOR VIRESHAR SINGH AGED ABOUT 42 YEARS S/O CHANDRABHAN SINGH SARDAR PATEL CAMPUS, GAYKHURI, MOTINAGAR, BALAGHAT (MADHYA PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY AYUSH DEPT VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. CENTRAL COUNCIL FOR HOMEOPATHY THROUGH ITS MEMBER SECRETARY/ CHAIRMAN 61-65 SEWA MARG, OPP. D BLOCK INSTITUTIONAL AREA JANAKPURI NEW DELHI (DELHI)**
- 3. UNION OF INDIA MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-BLOCK, INA, NEW DELHI (DELHI)**
- 4. DIRECTORATE OF AYUSH/ COUNSELLING AUTHORITY THROUGH ITS COMMISSIONER/ DIRECTOR GPO COMPLEX GROUND FLOOR, D WING, SATPUDA BHAWAN, BHOPAL, M.P. (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI

***ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)***

WRIT PETITION No. 9340 of 2022

BETWEEN:-

**SCHOOL OF AYURVEDA AND SIDDHA
STUDIES THROUGH PRINCIPAL SHRI HIRA
MAN DAS BANJARE S/O SHRI CHAD
BANJARE AGED ABOUT 61 YEARS SH
18BHOPAL INDORE, PACHAMA DISTRICT
SEHORE (M.P.) (MADHYA PRADESH)**

.....PETITIONER

***(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI
NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL
TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI
DEVASHISH SAKALKAR – ADVOCATES)***

AND

- 1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH
GPO COMPLEX, AHUSH BHAWAN, B-
BLOCK, INA, NEW DELHI (DELHI)**
- 2. NATIONAL COMMISSION FOR
HOMEOPATHY, THROUGH ITS
MEMBER SECRETARY 61-65, SEWA
MARG, OPP. D BLOCK, INSTITUTIONAL
AREA, JANAKPURI (DELHI)**
- 3. STATE OF MADHYA PRADESH,
THROUGH ITS PRINCIPAL
SECRETARY, DEPARTMENT OF AYUSH
DEPARTMENT OF AYUSH, III FLOOR,
VALLABH BHAWAN, BHOPAL
(MADHYA PRADESH)**
- 4. DIRECTORATE OF AYUSH/
COUNSELLING AUTHORITY, STATE OF
MADHYA PRADESH, THROUGH ITS
DIRECTOR GROUND FLOOR, D WING,**

SATPUDA BHAWAN, BHOPAL
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 10557 of 2022

BETWEEN:-

1. RAM KRISHNA COLLEGE OF AYURVEDA AND MEDICAL SCIENCES
RAM KRISHNA DHARMATH FOUNDATION UNIVERSITY THROUGH PRINCIPAL DR. ABHIJIT B PATIL S/O BABURAO VISHWANATH PATIL RKDF UNIVERSITY NEAR AIPORT BYPASS ROAD, GANDHI NAGAR, BHOPAL M.P. (MADHYA PRADESH)
2. SARVEPALLI RADHAKRISHNA COLLEGE OF AYURVEDA HOSPITAL AND RESEARCH CENTRE, THROUGH ASSISTANT PROFESSOR DR. SUNIL KUMAR PARASHAR S/O SHRI BABULA PARASHAR, AGED ABOUT 39 YEARS, HN-12, HOSHANGABAD ROAD, JATKHEDI (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. UNION OF INDIA MINISTRY OF AYUSH

THROUGH ITS SECRETARY GPO
COMPLEX AYUSH BHAWAN B BLOCK
INA NEW DELHI GPO COMPLEX
AYUSH BHAWAN B-BLOCK INA, NEW
DELHI (DELHI)

2. NATIONAL COMMISSION FOR INDIAN
SYSTEM OF MEDICINE, THROUGH ITS
SECRETARY 61-65, SEWA MARG, OPP.
D BLOCK, INSTITUTIONAL AREA,
JANAKPURI (DELHI)
3. STATE OF MADHYA PRADESH,
THROUGH ITS SECRETARY,
DEPARTMENT OF AYUSH 3RD FLOOR,
SATPUDA BHAVAN BHOPAL (MADHYA
PRADESH)
4. DIRECTORATE OF AYUSH
(COUNSELLING AUTHORITY), THE
STATE OF MADHYA PRADESH,
THROUGH ITS DIRECTOR GROUND
FLOOR, D WING, SATPUDA BHAWAN
(MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 10965 of 2022

BETWEEN:-

VIJAYSHREE AYURVEDIC MEDICAL
COLLEGE AND HOSPITAL THROUGH
CHAIRMAN SHRI RAJESH STHAPAK S/O
LATE SHRI RAVI KANT STHAPAK SHREE
BRAHMANAND SARASWATI SHIKSHA
SAMITI SUBUDHRA KUMARI CHOUHAN
WARD MODEL ROAD JABALPUR MP

(MADHYA PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THOROUGH ITS PRINCIPAL SECRETARY DEPARTMENT OF AYUSH III FLOOR VALLABH BHAWAN BHOPAL MP (MADHYA PRADESH)
2. NATIONAL COMMISSION FOR HOMEOPATHY, THROUGH ITS MEMBER SECRETARY 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA, JANAKPURI (DELHI)
3. UNION OF INDIA, MINISTRY OF AYUSH, THROUGH ITS SECRETARY GPO COMPLEX, AHUSH BHAWAN, B-BLOCK, INA, NEW DELHI (DELHI)
4. DIRECTORATE OF AYUSH/COUNSELLING AUTHORITY STATE OF M.P., THROUGH ITS DIRECTOR GROUND FLOOR D WING SATPURA BHAWAN BHOPAL M.P (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 11010 of 2022

BETWEEN:-

VINDHYA SHIKSHA SAMITI (A SOCIETY REGISTERED UNDER REGISTRATION ACT 1973) THROUGH ITS SECRETARY SHRI VIRESHWAR SINGH AGED ABOUT 42 YEARS S/O SHRI CHANDRABHAN SINGH GAYKHURI DISTRICT BALAGHAT M.P. (MADHYA PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH THE PRINCIPAL SECRETARY DEPARTMENT OF AYUSH IIIRD FLOOR VALLABH BHAWAN, BHOPAL, M.P. (MADHYA PRADESH)**
- 2. NATIONAL COMMISSION FOR HOMEOPATHY THROUGH ITS MEMBER SECRETARY 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA JANAKPURI, NEW DELHI (DELHI)**
- 3. UNION OF INDIA MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX AYUSH BHAWAN B-BLOCK INA, NEW DELHI (DELHI)**
- 4. DIRECTORATE OF AYUSH/COUNSELLING AUTHORITY STATE OF M.P. THROUGH ITS DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL M.P. (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL

TESTING AGENCY)

WRIT PETITION No. 11011 of 2022

BETWEEN:-

OM AYURVEDIC MEDICAL COLLEGE AND HOSPITAL THROUGH ITS CHAIRMAN SHRI SANTOSH PAL AGED 50 YEARS S/O SHRI RAM RATAN PAL JAMTHI, P.O. BHARAT BHARATI, BETUL M.P. RUN BY; OM SWASTH EVAM SIKSHA PARISHAD BETUL C/O JAMTHI, P.O. BHARAT BHARTI B BETUL M.P. (MADHYA PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY DEPARTMENT OF AYUSH DEPARTMENT OF AYUSH, III FLOOR, VALLABH BHAWAN, BHOPAL M.P. (MADHYA PRADESH)
2. NATIONAL COMMISSION FOR HOMEOPATHY THROUGH ITS MEMBER SECRETARY 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA JANAKPURI, NEW DELHI (DELHI)
3. UNION OF INDIA, MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-BLOCK, INA NEW DELHI (DELHI)
4. DIRECTORATE OF AYUSH/COUNSELLING AUTHORITY, STATE OF M.P. THROUGH ITS DIRECTOR GROUND FLOOR, D WINGH, SATPUDA BHAWAN, BHOPAL M.P.

(MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 11013 of 2022

BETWEEN:-

1. DEPARTMENT OF AYURVEDA AND COMMUNITY IES UNIVERSITY THROUGH ITS PRINCIPAL DR. RAJESH URMALE S/O LATE SHRI RAMRAO URMALE AGED YEARS REGISTERED OFFICE AR IES UNIVERSITY CAMPUS, KALKHEDA, RATIBAD MAIN ROAD, BHOPAL (MADHYA PRADESH)
2. L.N. AYURVED COLLEGE AND HOSPITAL, THROUGH ITS AUTHORISED SIGNATORY MR. SIDDHARTH RAI S/O SHRI R.K. RAI, AGED ABOUT 33 YEARS, REGISTERED OFFICE AT SAVADHAM, C-SECTOR, KOLAR ROAD, J.K. TOWN, BHOPAL(M.P.) RUN BY H.K. KALCHURI EDUCATION TRUST (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ASHISH MISHRA - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY DEPARTMENT OF AYUSH III FLOOR, VALLABH BHAWAN, BHOPAL (M.P.)

(MADHYA PRADESH)

2. NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE, THROUGH ITS MEMBER SECRETARY, JAWAHAR LAL NEHRU BHARTIYA CHIKITSA AVAM HOMOEOPATHY ANUSANDHAN BHAWAN 61-65, INSTITUTIONAL AREA, JANAKPURI (DELHI)
3. UNION OF INDIA, MINISTRY OF AYUSH, THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-BLOCK, INA NEW DELHI (DELHI)
4. DIRECTORATE OF AYUSH/COUNSELLING AUTHORITY, THE STATE OF MADHYA PRADESH, THROUGH ITS DIRECTOR GROUND FLOOR, D WING SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 11098 of 2022

BETWEEN:-

1. DR. SHANKAR DAYAL SHARMA AYURVEDA COLLEGE AND HOSPITAL THROUGH ITS SECRETARY AND AUTHORISED REPRESENTATIVE SHRI SANJEEV SOTI S/O SHRI B.M. SOTI AGE ABOUT 56 POST PRIVATE JOB R/O NEAR CENTRAL FORENSIC SCIENCE LABORATORY INDORE BHOPAL BYPASS ROAD, VILLAGE BHOURI BHOPAL, C/O KATYANI SHIKSHAN

SAMITI BHOPAL, M.P. (MADHYA PRADESH)

2. **VEENA VADINI AYURVED COLLEG AND HOSPITAL THROUGH ITS PRINCIPAL DR. O.P SHUKLA S/O LATE SHRI S.P SHUKLA AGE 64 YEEARS POST PRIVATE JOB BEHIND KANHA KUNJ AKBARPUR PHASE II KOLAR ROAD BHOPAL M.P. 462033 AN 170 SHANKUNTALA NAGAR RAJHAARSH COLONY KOLAR ROAD BHOPAL M.P (MADHYA PRADESH)**
3. **RAJEEV GANDHI AYURVED COLLEGE AND HOSPITAL THROUGH PRINCIPAL DR. BHAGWATI PRASAD SHARMA S/O LATE SHRI ANAND PRASAD SHARMA AGED 55 YEARS POST PRIVATE JOB E-8 TILANGA COLONY SHAHPURA BHOPAL H.NO. 37 PRATEEK APARTMENT GULMOHAR COLONY SHAHPURA BHOPAL M.P . (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. **UNION OF INDIA MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-BLOCK, INA NEW DELHI (DELHI)**
2. **NATIONAL COMMISSON FOR INDIAN SYSTEM OF MEDICINE THROUGH ITS SECRETARY 61-65 SEWA MARG OPP. D BLOCK INSTITUTIONAL AREA JANAKPURI (DELHI)**
3. **STATE OF MADHYA PRADESH THROUGH ITS SECRETARY**

DEPARTMENT OF AYUSH THIRD FLOOR
SATPURA BHAWAN BHOPAL M.P
(MADHYA PRADESH)

4. DIRECTORATE OF AYUSH
(COUNSELLING AUTHORITY) STATE
OF MADHYA PRADESH THROUGH ITS
DIRECTOR GROUND FLOOR D WING
SATPURA BHAWAN BHOPAL M.P
(MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE
RESPONDENTS-STATE, SHRI VIKRAM SINGH - ADVOCATE FOR THE
RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE
WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI - ADVOCATES FOR THE
NCIM, SHRI ADITYA SINGH RAJPUT - ADVOCATE FOR THE NCH/CCH
AND SHRI PUSHPENDRA YADAV - ASSISTANT SOLICITOR GENERAL FOR
NATIONAL TESTING AGENCY)*

WRIT PETITION No. 11256 of 2022

BETWEEN:-

POORNAYU AYURVED CHKITSALAYA EVAM
ANUSANDHAN VIDHYAPEETH GIRLS
COLLEGE JABALPUR THROUGH ITS
PRINCIPAL DR. SWAPNIL SINGHAI S/O SHRI
SURESHCHAND SINGHAI A/A 46 YAERS
OCCU. PRINCIPAL OFFICE AT POORNAYU
AYURVED CHIKITLAYA EVAM
ANUSANDHAN VIDHYAPEETH GIRLS
COLLEGE TILWARAGHAT JABALPUR, M.P.
(MADHYA PRADESH)

.....PETITIONER

(BY SHRI RAHUL DIWAKAR - ADVOCATE)

AND

1. UNION OF INDIA THROUGH ITS
SECRETARY GPO COMPLEX AYUSH
BHAWAN B-BLOCK INA, NEW DELHI
(DELHI)

2. NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE THROUGH ITS SECRETARY 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA, JANAKPURI, NEW DELHI (DELHI)
3. STATE OF MADHYA PRADESH THROUGH ITS SECRETARY, DEPARTMENT OF AYUSH IIIRD FLOOR, SATPURA BHAVAN, BHOPAL, M.P. (MADHYA PRADESH)
4. DIRECTORATE OF AYUSH (COUNSELLING AUTHORITY), STATE OF MADHYA PRADESH THROUGH ITS DIRECTOR GROUND FLOOR, D WING, SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 11286 of 2022

BETWEEN:-

RANI DULLAIYA SMRITI AYURVED P.G. COLLEGE AND HOSPITAL THROUGH ITS AUTHORIZED SIGNATORY MR SYED AZHAR ALI NAQVI S/O LATE SHRI DR. N.A. A/O 43 YEARS OFFICE AT RANI DULLAIYA SMRITI AYURVED P.G. COLLEGE AND HOSPITAL BARKHEDI KALAN, BHADBHADA ROAD BHOPAL, M.P., OCCUPATION ADMINISTRATIVE OFFICER (MADHYA PRADESH)

.....PETITIONER

(BY SHRI RAHUL DIWKAR -ADVOCATE)

AND

1. UNION OF INDIA MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX AYUSH BHAWAN B-BLOCK INA, NEW DELHI (DELHI)
2. NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE THROUGH ITS SECRETARY 61-65, SEWA MARG, OPP. D BLOCK, INSTITUTIONAL AREA, JANAKPURI, NEW DELHI (DELHI)
3. STATE OF MADHYA PRADESH THROUGH ITS SECRETARY DEPARTMENT OF AYUSH IIIRD FLOOR SATPURA BHAWAN BHOPAL M.P (MADHYA PRADESH)
4. DIRECTORATE OF AYUSH (COUNSELLING AUTHORITY) STATE OF MADHYA PRADESH THROUGH ITS DIRECTOR GROUND FLOOR D WING SATPURA BHAWAN BHOPAL M.P (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 11291 of 2022

BETWEEN:-

PARASHAR AYURVEDIC MEDICAL COLLEGE AND HOSPITAL THROUGH ITS AUTHORISED REPRESENTATIVE AND DIRECTOR SHRI RAHUL GOSWAMI S/O SHRI B.K. GOSWAMI AGE 33 YEARS POST

**DIRECTOR ADDRESS- ZIRANIYA
NARSINGHARH ROAD PARVALIA BHOPAL,
M.P. 462030, H.NO. 66 SHRAWANKANTA
ESTATE NARELA SANKHARI, BHOPAL, M.P.
(MADHYA PRADESH)**

.....PETITIONER

***(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI
NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL
TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI
DEVASHISH SAKALKAR – ADVOCATES)***

AND

- 1. UNION OF INDIA MINISTRY OF AYUSH
THROUGH ITS SECRETARY GPO
COMPLEX AYUSH BHAWAN B-BLOCK
INA, NEW DELHI (DELHI)**
- 2. NATIONAL COMMISSION FOR INDIAN
SYSTEM OF MEDICINE THROUGH ITS
SECRETARY 61-65, SEWA MARG, OPP.
D BLOCK, INSTITUTIONAL AREA,
JANAKPURI, NEW DELHI (DELHI)**
- 3. STATE OF MADHYA PRADESH
THROUGH ITS SECRETARY,
DEPARTMENT OF AYUSH IIRD
FLOOR, SATPURA BHAVAN, BHOPAL
M.P. (MADHYA PRADESH)**
- 4. DIRECTORATE OF AYUSH
(COUNSELLING AUTHORITY), STATE
OF MADHYA PRADESH THROUGH ITS
DIRECTOR GROUND FLOOR, D WING,
SATPUDA BHAWAN, BHOPAL, M.P.
(MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)***

WRIT PETITION No. 11579 of 2022

BETWEEN:-

**FACULTY OF AYURVEDA, MANSAROVAR
GLOBAL UNIVERSITY THROUGH ITS DEAN
DR. BABUL TAMRAKAR S/O L.L. TAMRAKAR
AGED SIXTY FOUR YEARS REGISTERED
OFFICE AT VILLAGE GADIA RATNAKHEDI
BILKISGANJ SEHORE M.P. (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI ASHISH MISHRA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH ITS PRINCIPAL SECRETARY
DEPARTMENT OF AYUSH III FLOOR
VALLABH BHAWAN BHOPAL M.P.
(MADHYA PRADESH)**
- 2. NATIONAL COMMISSION FOR INDIAN
SYSTEM OF MEDICINE THROUGH ITS
MEMBER SECRETARY JAWAHAR LAL
NEHRU BHARTIYA CHIKITSA AVAM
HOMOEOPATHY ANUSANDHAN
BHAWAN 61-65 INSTITUTIONAL AREA
JANAKPURI D BLOCK NEW DELHI
110058 (DELHI)**
- 3. UNION OF INDIA MINISTRY OF AYUSH
THROUGH ITS SECRETARY GPO
COMPLEX AYUSH BHAWAN B-BLOCK
INA NEW DELHI (DELHI)**
- 4. DIRECTORATE OF
AYUSH/COUNSELLING AUTHORITY
STATE OF MADHYA PRADESH
THROUGH ITS DIRECTOR GROUND
FLOOR D WING SATPUDA BHAVAN
BHOPAL M.P. (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 11673 of 2022

BETWEEN:-

MANSAROVAR AYURVEDIC MEDICAL COLLEGE, HOSPITAL AND RESEARCH CENTER THROUGH ITS PRINCIPAL DR. ANURAG SINGH RAJPUT S/O MR. JAGAT SINGH RAJPUT AGED YEARS REGISTERED OFFICE AT VILLAGE HINOTIA ALAM, WARD NO. 84, KOLAR RD, BHOPAL, MADHYA PRADESH (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ASHISH MISHRA - ADVOCATE)

AND

- 1. STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY DEPARTMENT OF AYUSH DEPARTMENT OF AYUSH, III FLOOR, VALLABH BHAWAN, BHOPAL (M.P.) (MADHYA PRADESH)**
- 2. NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE, THROUGH ITS MEMBER SECRETARY, JAWAHARLAL NEHRU BHARTIYA CHIKITSA AVAM HOMEOPATHY ANISANDHAN BHAWAN 61-65, INSTITUTIONAL AREA, JANAKPURI, D BLOCK ,NEW DELHI (DELHI)**
- 3. UNION OF INDIA, MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B-**

BLOCK, INA NEW DELHI (DELHI)

4. DIRECTORATE OF
AYUSH/COUNSELLING AUTHORITY
,THROUGH ITS DIRECTOR THE STATE
OF MADHYA PRADESH GROUND
FLOOR, D WING, SATPURA BHAWAN,
BHOPAL (M.P.) (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 14806 of 2022

BETWEEN:-

R.K.D.F. HOMEOPATHIC MEDICAL
COLLEGE AND HOSPITAL RESEARCH
CENTER BHOPAL THROUGH PRINCIPAL DR.
A.D. KHAN S/O LATE M.D. KHAN AGED
ABOUT 56 YEARS PETITIONER INSTITUTION
REGISTERED ADDRESS MILE STONE 12
HOSHANGABAD ROAD JAATKHEDI
DISTRICT BHOPAL M.P. (MADHYA PRADESH)

.....PETITIONER

*(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI
NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL
TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI
DEVASHISH SAKALKAR – ADVOCATES)*

AND

1. THE STATE OF MADHYA PRADESH
THROUGH ITS PRINCIPAL SECRETARY
DEPARTMENT OF AYUSH III FLOOR
VALLABH BHAWAN BHOPAL M.P.
(MADHYA PRADESH)

2. DIRECTORATE OF AYUSH/
COUNSELLING AUTHORITY, STATE OF
MADHYA PRADESH THROUGH ITS
COMMISSIONER / DIRECTOR GROUND
FLOOR, D WING, SATPUDA BHAWAN,
BHOPAL (MADHYA PRADESH)
3. UNION OF INDIA, MINISTRY OF AYUSH
THROUGH ITS SECRETARY GPO
COMPLEX, AYUSH BHAWAN, B-
BLOCK, INA, NEW DELHI (DELHI)
4. NATIONAL COMMISSION FOR
HOMEOPATHY THROUGH ITS
MEMBER SECRETARY / CHAIRMAN 61-
65, SEWA MARG, OPP. D BLOCK,
INSTITUTIONAL AREA, JANAKPURI,
NEW DELHI DELHI (DELHI)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 1360 of 2023

BETWEEN:-

ANUSHREE HOMOEOPATHIC MEDICAL
COLLEGE JABALPUR THROUGH ITS
PRINCIPALPROFESSOR DR. VIKAS TRIPATHI
S/O SHRI SHIV PRASAD TRIPATHI AGED
ABOUT 48 YEARS 1/2 KASODHAN NAGAR
KARMETA DISTRICT JABALPUR (MADHYA
PRADESH)

.....PETITIONER

*(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI
NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL
TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI
DEVASHISH SAKALKAR – ADVOCATES)*

AND

1. UNION OF INDIA MINISTRY OF AYUSH THROUGH ITS SECRETARY GPO COMPLEX AYUSH BHAWAN B BLOCK INA NEW DELHI (DELHI)
2. THE NATIONAL COMMISSION FOR HOMEOPATHY THROUGH ITS SECRETARY 61-65 SEWA MARG OPPOSITE D-BLOCK INDUSTRIAL AREA JANAKPURI NEW DELHI 110058 (DELHI)
3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVERNMENT OF INDIA THROUGH ITS SECRETARY C-20 1A/8 SECTOR 62 IITK OUTREACH CENTER NOIDA 201309 1ST FLOOR NSIC-MPDB BUILDING OKHDA INDUSTRIAL ESTATE NEW DELHI DELHI 110020 (DELHI)
4. STATE OF M.P. THROUGH PRINCIPAL SECRETARY DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL EDUCATION STATE OF M.P. THROUGH ITS COMMISSIONER / DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF AYUSH / CONSELING AUTHORITY STATE OF M.P. THROUGH ITS COMMISSIONER / DIRECTORATE GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 1730 of 2023

BETWEEN:-

SCHOOL OF HOMEOPATHY SRI SATYA SAI
UNIVERSITY OF TECHNOLOGY AND
MEDICAL SCIENCES THROUGH DR.
PUSHPENDRA TIWARI S/O LATE C. P.
SHARMA DY REGISTRAR SHRI SATYA SAI
UNIVERSITY PETITIONER REGISTERED
ADDRESS OPPOSITE OILFED PLANT
PACHAMA SH18 BHOPAL INDORE ROAD
DISTRICT SEHORE (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. UNION OF INDIA MINISTRY OF AYUSH
THROUGH ITS SECRETARY GPO
COMPLEX AYUSH BHAWAN B-BLOCK
INA NEW DELHI (DELHI)
2. THE NATIONAL COMMISSION FOR
HOMEOPATHY THROUGH ITS
SECRETARY 61-65, SEWA MARG,
OPPOSITE D-BLOCK, INDUSTRIAL
AREA, JANAHPURI, NEW DELHI 110058
(DELHI)
3. NATIONAL TESTING AGENCY

(AUTONOMOUS ORGANIZATION)
 UNDER THE DEPARTMENT OF HIGHER
 EDUCATION ,MINISTRY OF
 EDUCATION, GOVERNMENT OF INDIA
 THROUGH ITS SECRETARY C-20 1A/8,
 SECTOR 62,IITK OUTREACH CENTRE
 NOIDA 201309 AND 1ST FLOOR, NSIC
 MDBP BUILDING, OKHDA INDUSTRIAL
 ESTATE NEW DELHI (DELHI)

4. STATE OF MADHYA PRADESH,
 THROUGH PRINCIPAL SECRETARY,
 DEPARTMENT OF AYUSH 3RD FLOOR
 VALLABH BHAWAN, BHOPAL
 (MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL
 EDUCATION, THE STATE OF MADHYA
 PRADESH, THROUGH ITS
 COMMISSIONER/DIRECTOR GROUND
 FLOOR, D WING, SATPUDA BHAWAN,
 BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF
 AYUSH/COUNSELLING AUTHORITY.
 THE STATE OF MADHYA PRADESH,
 THROUGH ITS
 COMMISSIONER/DIRECTORATE
 GROUND FLOOR, D WING, SATPUDA
 BHAWAN, BHOPAL (MADHYA
 PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE
 RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE
 RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE
 WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE
 NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH
 AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR
 NATIONAL TESTING AGENCY)*

WRIT PETITION No. 2681 of 2023

BETWEEN:-

1. MAHATMA GAJNDHI HOMEOPATHY COLLEGE THROUGH ITS PRINCIPAL DR. JHUMA VERMA W/O LATE SHRI RAJU VERMA AGED ABOUT 50 YEARS NEEMKHEDA NEARBY GUAR TIRAHA JABALPUR (MADHYA PRADESH)
2. HAHNEMANN HOMEOPATHIC MEDICAL COLLEGE THROUGH ITS PRINCIPAL DR. NISHA SEKHRI D/O SHRI S.K. SEKHRI, AGED ABOUT 62 YEARS, NEW JAIL ROAD KAROND BHOPAL (MADHYA PRADESH)
3. SIVANG HOMEOPATHIC MEDICAL COLLEGE THROUGH ITS PRINCIPAL DR. D.N. MISHRA S/O LATE SHRI J.N. MISHRA SHIVANG HOMEOPATHIC MEDICAL COLLEGE BAIKAGARH CHICHALI, KOLAR ROAD BHOPAL (MADHYA PRADESH)
4. NARAYAN SHREE HOMEOPATHIC MEDICAL COLLEGE THROUGH ITS SECRETARY AMBRISH CHOUKSEY S/O LATE SHRI SURESH CHAUKSEY, AGED ABOUT 39 YEARS, PUSHPA NAGAR BHOPAL (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF AYUSH GPO COMPLEX AYUSH BHAWAN B BLOCK INA NEW DELHI (DELHI)
2. THE NATIONAL COMMISSION FOR HOMEOPATHY THROUGH ITS SECRETARY 61-65 SEWA MARG,

**OPPOSITE D-BLOCK INDUSTRIAL
AREA JANAKPURI, NEW DELHI
(DELHI)**

3. **NATIONAL TESTING AGENCY
(AUTONOMOUS ORGANIZATION)
UNDER THE DEPARTMENT OF HIGHER
EDUCATION MINISTRY OF
EDUCATION GOVERNMENT OF INDIA
THROUGH ITS SECRETARY C-20 1A/8,
SECTOR 62,IITK OUTREACH CENTRE
NOIDA 201309 AND 1ST FLOOR, NSIC
MDBP BUILDING, OKHDA INDUSTRIAL
ESTATE NEW DELHI (DELHI)**
4. **STATE OF MADHYA PRADESH
THROUGH ITS PRINCIPAL SECRETARY
DEPARTMENT OF AYUSH 3RD FLOOR
VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
5. **DIRECTORATE OF MEDICAL
EDUCATION STATE OF MADHYA
PRADESH THROUGH ITS
COMMISSIONER / DIRECTOR GROUND
FLOOR D WING SATPUDA BHAWAN
BHOPAL (MADHYA PRADESH)**
6. **DIRECTORATE OF AYUSH /
COUNSELLING AUTHORITY STATE OF
MADHYA PRADESH THROUGH ITS
COMMISSIONER / DIRECTORATE
GROUND FLOOR D WING SATPUDA
BHAWAN BHOPAL (MADHYA
PRADESH)**

.....RESPONDENTS

***(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)***

WRIT PETITION No. 2701 of 2023

BETWEEN:-

1. R.K.D.F HOMOEOPATHIC MEDICAL COLLEGE AND RESEARCH CENTER BHOPAL THROUGH ITS PRINCIPAL CENTRE DR. A.D KHAN S/O LATE M.D. KHAN AGE 56 PETITIONER INSTITUTION REGISTERED ADDRESS- MILE STONE 12, HOSHANGABAD ROAD JAATKHEDI (MADHYA PRADESH)
2. RAMKRISHNA COLLEGE OF HOMOEOPATHY AND MEDICAL SCIENCES RKDF UNIVERSITY BHOPAL THROUGH ITS PRINCIPAL DR. ANOOP J. KATYAYAN S/O DR. J Y KATYAYAN AGED ABOUT 62 PETITIONER INSTITUTION REGISTERED ADDRESS RKDF UNIVERSITY CAMPUS GANDHI NAGAR BHOPAL 462033 (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF AYUSH GPO COMPLEX AYUSH BHAWAN B-BLOCK INA NEW DELHI (DELHI)
2. THE NATIONAL COMMISSION FOR HOMEOPATHY THROUGH ITS SECRETARY 61-65 SEWA MARG, OPPOSITE D-BLOCK INDUSTRIAL AREA JANAKPURI, NEW DELHI 110058 (DELHI)
3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER

EDUCATION MINISTRY OF
EDUCATION GOVERNMENT OF INDIA
THROUGH ITS SECRETARY C-20 IA/8
SECTOR 62 IITK OUTREACH CENTRE
NOIDA 201309 AND 1ST FLOOR, NSIC-
MDBP BUILDING, OKHDA INDUSTRIAL
ESTATE NEW DELHI NEW DELHI
(DELHI)

4. STATE OF M.P. THROUGH PRINCIPAL
SECRETARY DEPARTMENT OF AYUSH
3RD FLOOR VALLABH BHAWAN,
BHOPAL (MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL
EDUCATION STATE OF M.P. THROUGH
ITS COMMISSIONER / DIRECTOR
GROUND FLOOR D WING SATPURA
BHAWAN BHOPAL (MADHYA
PRADESH)
6. DIRECTORATE OF AYUSH /
COUNSELING AUTHORITY STATE OF
M.P. THROUGH ITS COMMISSIONER /
DIRECTORATE GROUND FLOOR -D
WING SATPURA BHAWAN BHOPAL
(MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 4007 of 2023

BETWEEN:-

SCHOOL OF AYURVEDA AND SIDDHA
STUDIES S/O LATAE R.D. PANDEY, AGED
ABOUT 62 YEARS, OCCUPATION: THROUGH
AUTHORISED PERSON DR. UMESH KUMAR

PANDEY OCCUPATION PRINCIPAL/ DEAN,
ADDRESS: SSS UTMS SEHORE MP. SH 18
BHOPAL INDORE, PANCHAMA DISTRICT
SEHORE (M.P.) (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

1. UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF AYUSH GPO COMPLEX AYUSH BHAWAN B-BLOCK INA (DELHI)
2. THE NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE THROUGH ITS SECRETARY 61-65 SEWA MARG, OPPOSITE D-BLOCK, INDUSTRIAL AREA JANAKPURI, NEW DELHI (DELHI)
3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVERNMENT OF INDIA THROUGH ITS SECRETARY C-20 1A/8 SECTOR 62 IITK OUTREACH CENTRE, NOIDA 201309 AND 1ST FLOOR, NSIC-MDBP BUILDING, OKHLA INDUSTRIAL ESTATE NEW DELHI (DELHI)
4. STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY, DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL EDUCATION STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER / DIRECTOR GROUND

FLOOR D WING SATPUDA BHAWAN,
BHOPAL (MADHYA PRADESH)

6. DIRECTORATE OF AYUSH /
COUNSELING AUTHORITY STATE OF
MADHYA PRADESH THROUGH ITS
COMMISSIONER / DIRECTORATE
GROUND FLOOR D WING SATPUDA
BHAWAN, BHOPAL (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE
RESPONDENTS-STATE, SHRI VIKRAM SINGH - ADVOCATE FOR THE
RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE
WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI - ADVOCATES FOR THE
NCIM, SHRI ADITYA SINGH RAJPUT - ADVOCATE FOR THE NCH/CCH
AND SHRI PUSHPENDRA YADAV - ASSISTANT SOLICITOR GENERAL FOR
NATIONAL TESTING AGENCY)*

WRIT PETITION No. 4187 of 2023

BETWEEN:-

S.M. DEO HOMOEOPATHIC MEDICAL
GOLLEGE HOSPITAL SADAR PATEL
CAMPUS GAYKHURI BALAGHAT DISTRICT
BALAGHAT RUN BY VINDHYA SHIKSHA
SAMITI (A REGISTERED SOCIETY UNDER
THE SOCIETIES REGISTRATION ACT 1973)
THROUGH ITS DIRECTOR SHRI BIRESHWAR
SINGH AGED ABOUT 43 YEARS S/O SHRI
CHANDRABHAN SINGH R/O SARDAR PATEL
CAMPUS GAYKHURI DISTRICT BALAGHAT
(MADHYA PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH
GPO COMPLEX AYUSH BHAWAN B-

BLOCK INA, NEWDELHI (DELHI)

2. **NATIONAL COMMISSION OF HOMEOPATHY THROUGH ITS SECRETARY 61-65 SEWA MARG, OPPOSITE D-BLOCK INDUSTRIAL AREA JANAKPURI, NEW DELHI 110058 (DELHI)**
3. **NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVT. OF INDIA THROUGH ITS SECRETARY C-20 IA/8 SECTOR 62 IITK OUTREACH CENTRE NOIDA 201309 AND 1ST FLOOR, NSIC-MDBP BUILDING, OKHLA INDUSTRIAL ESTATE NEW DELHI 110020 (DELHI)**
4. **STATE OF M.P. THROUGH PRINCIPAL SECRETARY DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
5. **DIRECTORATE OF MEDICAL EDUCATION STATE OF M.P. THROUGH ITS COMMISSIONER / DIRECTOR GROUND FLOOR-D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)**
6. **DIRECTORATE OF AYUSH/COUNSELING AUTHORITY STATE OF M.P. THROUGH ITS COMMISSIONER/DIRECTORATE GROUND FLOOR-D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI

PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 4335 of 2023

BETWEEN:-

RANI DULLAIYA SMRITI HOMEOPATHY MEDICAL COLLEGE AND HOSPITAL THROUGH ITS PRINCIPAL DR. VIJAY PRATAP SINGH S/O RAGHWENDRA PRATAP SINGH AGED 58 R/O BARKHEDI KALAN BHADBHADA ROAD BHOPAL (MADHYA PRADESH)

.....PETITIONER

(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI DEVASHISH SAKALKAR – ADVOCATES)

AND

- 1. UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF AYUSH GPO COMPLEX AYUSH BHAWAN B BLOCK INA NEW DELHI (DELHI)**
- 2. THE NATIONAL COMMISSION FOR HOMEOPATHY THROUGH ITS SECRETARY 61-65 SEWA MARG OPPOSITE D-BLOCK INDUSTRIAL AREA JANAKPURI, NEW DELHI (DELHI)**
- 3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVERNMENT OF INDIA THROUGH ITS SECRETARY C-20 1A/8 SECTOR 62 IITK OUTREACH CENTRE NOIDA 201309 AND 1ST FLOOR, NSIC-MDBP BUILDING, OKHDA INDUSTRIAL**

ESTATE NEW DELHI (DELHI)

4. **STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY, DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
5. **DIRECTORATE OF MEDICAL EDUCATION STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER/ DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)**
6. **DIRECTOR OF AYUSH/COUNSELLING AUTHORITY, THE STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER/DIRECTORATE GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 4857 of 2023**BETWEEN:-**

VIJYA SHREE AYURVEDIC MEDICAL COLLEGE AND HOSPITAL SCHEME NO. 41/65 GRAM BASAHA (RAINGWA) NEAR KACHPURA RAILWAY STATION RUN BY SHREE BRAHMANAND SARASWATI SHIKSHA SAMITI (A SOCIETY REGISTERED UNDER THROUGH ITS CHIRMAN SHRI RAJESH STHAPAK AGED 56 YEARS S/O LT. SHRI RAVI KANT STHAPAK C/O SUBUDHRA

**KUMARI CHOUHAN WARD MODEL ROAD
JABALPUR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

- 1. UNION OF INDIA THROUGH ITS SECRETARY MINISTRY AYUSH GPO COMPLEX AYUSH BHAWAN B- BLCOK INA NEWDELHI (DELHI)**
- 2. NATIONAL COMMISSION OF INDIAN SYSTEM OF MEDICINE THROUGH ITS SECRETARY 61-65 SEWA MARG OPPOSITE D-BLOCK INDUSTRIAL AREA JANAKPURI NEW DELHI 110058 (DELHI)**
- 3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVT. OF INDIA THROUGH ITS SECRETARY C-20 IA/8 SECTOR 62 IITK OUTREACH CENTRE NODIA 201309 AND 1ST FLOOR NSIC MDBP BUILDING OKHLA INDUSTRIAL ESTATE NEW DELHI 110020 (DELHI)**
- 4. STATE OF M.P. THROUGH PRINCIPAL SECRETARY DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
- 5. DIRECTORATE OF MEDICAL EDUCATION STATE OF M.P. THROUGH ITS COMMISSIONER/ DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)**
- 6. DIRECTORATE OF AYUSH /COUNSELING AUTHORITY STATE OF M.P. THROUGH ITS COMMISSIONER /**

**DIRECTORATE GROUND FLOOR D
WING SATPUDA BHAWAN BHOPAL
(MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)***

WRIT PETITION No. 4863 of 2023

BETWEEN:-

**VINDHYA SHIKSHA SAMITI (A SOCIETY
REGISTERED UNDER SOCIETIES
REGISTRATION ACT 1973) THROUGH ITS
DIRECTOR SHRI DR. MANJEET SINGH AGED
33 YEARS S/O INDRASEN SINGH O/O SADAR
PATEL CAMPUS, GAYKHURI DISTRICT
BALAGHAT (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

- 1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH
GPO COMPLEX AYUSH BHAWAN B-
BLOCK INA NEW DELHI (DELHI)**
- 2. NATIONAL COMMISSION INDIAN
SYSTEM OF MEDICINE THROUGH ITS
SECRETARY 61-65 SEWA MARG
OPPOSITE D-BLOCK INDUSTRIAL
AREA JANAKPURI NEW DELHI 110058
(DELHI)**
- 3. NATIONAL TESTING AGENCY
(AUTONOMOUS ORGANIZATION)**

UNDER THE DEPARTMENT OF HIGHER
EDUCATION MINISTRY OF
EDUCATION GOVT. OF INDIA
THROUGH ITS SECRETARY C-20 IA/8
SECTOR 62 IITK OUTREACH CENTRE
NODIA 201309 AND 1ST FLOOR NSIC
MDBP BUILDING OKHLA INDUSTRIAL
ESTATE NEW DELHI 110020 (DELHI)

4. STATE OF M.P. THROUGH PRINCIPAL
SECRETARY DEPARTMENT OF AYUSH
3RD FLOOR VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)
5. DIRECTOR OF MEDICAL EDUCATION
STATE OF M.P. THROUGH ITS
COMMISSIONER / DIRECTOR GROUND
FLOOR D WING SATPUDA BHAWAN
BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF AYUSH /
COUNSELLING AUTHORITY STATE OF
M.P. THROUGH ITS COMMISSIONER /
DIRECTORATE GROUND FLOOR D
WING SATPUDA BHAWAN BHOPAL
(MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 5041 of 2023

BETWEEN:-

RAM KRISHNA COLLEGE OF AYURVEDA
AND MEDICAL SCIENCES R.K.D.F.
UNIVERSITY THROUGH AUTHORISED
PERSON DR. ABHIJIT PATIL S/O SHRI
BABURAO VISHWANATH PATIL AGE ABOUT

**44 YEARS OCCUPATION PRINCIPAL RKDF
UNIVERSITY NEAR AIRPORT BYPASS ROAD
GANDHI NAGAR BHOPAL (MADHYA
PRADESH)**

.....PETITIONER

***(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI
NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL
TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI
DEVASHISH SAKALKAR – ADVOCATES)***

AND

- 1. UNION OF INDIA MINISTRY OF AYUSH
THROUGH ITS SECRETARY GPO
COMPLEX AYUSH BHAWAN B BLOCK
INA NEW DELHI (DELHI)**
- 2. THE NATIONAL COMMISSION FOR
INDIAN SYSTEM OF MEDICINE
THROUGH ITS SECRETARY 61-65 SEWA
MARG, OPPOSITE D-BLOCK,
INDUSTRIAL AREA JANAKPURI, NEW
DELHI (DELHI)**
- 3. NATIONAL TESTING AGENCY
(AUTONOMOUS ORGANIZATION)
UNDER THE DEPARTMENT OF HIGHER
EDUCATION MINISTRY OF
EDUCATION GOVERNMENT OF INDIA
THROUGH ITS SECRETARY C-20 1A/8
SECTOR 62 IITK OUTREACH CENTRE,
NOIDA 201309 AND 1ST FLOOR, NSIC-
MDBP BUILDING, OKHLA INDUSTRIAL
ESTATE NEW DELHI (DELHI)**
- 4. STATE OF MADHYA PRADESH
THROUGH PRINCIPAL SECRETARY,
DEPARTMENT OF AYUSH 3RD FLOOR
VALLABH BHAWAN, BHOPAL
(MADHYA PRADESH)**
- 5. DIRECTORATE OF MEDICAL
EDUCATION STATE OF MADHYA
PRADESH THROUGH ITS
COMMISSIONER / DIRECTOR GROUND**

FLOOR D WING SATPUDA BHAWAN,
BHOPAL (MADHYA PRADESH)

6. DIRECTORATE OF AYUSH /
COUNSELING AUTHORITY STATE OF
MADHYA PRADESH THROUGH ITS
COMMISSIONER / DIRECTORATE
GROUND FLOOR D WING SATPUDA
BHAWAN, BHOPAL (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 5107 of 2023

BETWEEN:-

PARASHAR AYURVEDIC MEDICAL
COLLEGE AND HOSPITAL (RUN BY
PARASHAR SCIENCE AND TECHNOLOGY
EDUCATION SOCIETY (A SOCIETY
REGISTERED UNDER SOCIETIES
REGISTRATION ACT 1973) THROUGH ITS
DIRECTOR DR. ANOOP CHATURVEDI S/O
SHRI SIDDH NATH CHATURVEDI ZIRANIYA
NARSINGHARH ROAD, PARVALIA BHOPAL
M.P. THROUGH R/O FLAT NO. 107 SOMA
VIHAR CHUNA BATTI BHOPAL (MADHYA
PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADOVCATE)

AND

1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH

**GPO COMPLEX AYUSH BHAWAN B
BLOCK INA NEW DELHI (DELHI)**

2. **NATIONAL COMMISSION OF INDIAN
SYSTEM OF MEDICINE THROUGH ITS
SECRETARY 61-65 SEWA MARG
OPPOSITE D-BLOCK INDUSTRIAL
AREA JANAKPURI NEW DELHI 110058
(DELHI)**
3. **NATIONAL TESTING AGENCY
(AUTONOMOUS ORGANIZATION)
UNDER THE DEPARTMENT OF HIGHER
EDUCATION MINISTRY OF
EDUCATION GOVT. OF INDIA
THROUGH ITS SECRETARY C-20IA/8
SECTOR 62 IITK OUTREACH CENTRE
NODIA 201309 AND 1ST NSIC MDBP
BUILDING OKHLA INDUSTRIAL
ESTATE NEW DELHI DELHI 110020
(DELHI)**
4. **STATE OF M.P. THROUGH PRINCIPAL
SECRETARY DEPARTMENT OF AYUSH
3RD FLOOR VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)**
5. **DIRECTORATE OF MEDICAL
EDUCATION STATE OF M.P. THROUGH
ITS COMMISSIONER / DIRECTOR
GROUND FLOOR D WING SATPUDA
BHAWAN BHOPAL (MADHYA
PRADESH)**
6. **DIRECTORATE OF AYUSH /
COUNSELLING AUTHORITY STATE OF
M.P. THROUGH ITS COMMISSIONER /
DIRECTORATE GROUND FLOOR D
WING SATPUDA BHAWAN BHOPAL
(MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI***

***ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)***

WRIT PETITION No. 5108 of 2023

BETWEEN:-

**DR. SHANKAR DAYAL SHARMA AYURVEDA
MEDICAL COLLEGE AND HOSPITAL
THROUGH ITS DIRECTOR SHRI SANJEEV
SOTIE AGED 58YRS S/O BRIJ MOHAN SOTIE
INDORE BHOPAL NY PASS ROAD GRAM
BHOURI BHOPAL RUN BY KATYAN
SHIKSHAN SAMITI (A SOCIETY REGISTERED
UNDER SOCIETIES REGISTRATION ACT 1973)
O/O 175 TIRPTI HOSPITAL GUFA MANDIR
ROAD LALGHATI BHOPAL (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

- 1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY IF AYUSH GPO
COMPLEX AYUSH BHAWAN B BLOCK
INA NEW DELHI (DELHI)**
- 2. NATIONAL COMMISSION OF INDIAN
SYSTEM OF MEDICINE, THROUGH ITS
SECRETARY 61-65 SEWA MARG
OPPOSITE D-BLOCK INDUSTRIAL
AREA JANAKPURI NEW DELHI 110058
(DELHI)**
- 3. NATIONAL TESTING
AGENCY(AUTONOMOUS
ORGANIZATION) UNDER THE
DEPARTMENT OF HIGHER
EDUCATION, MINISTRY OF
EDUCATION, GOVT OF INDIA,
THROUGH ITS SECRETARY C-20 IA/8
SECTOR 62 IITK OUTREACH CENTRE**

NODIA 201309 AND 1ST FLOOR NSIC
MDBP BUILDING OKHLA INDUSTRIAL
ESTATE NEW DELHI 110020 (DELHI)

4. STATE OF MADHYA PRADESH,
THROUGH PRINCIPAL SECRETARY,
DEPARTMENT OF AYUSH 3RD FLOOR,
VALLABH BHAWAN, BHOPAL
(MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL
EDUCATION, STATE OF MADHYA
PRADESH, THROUGH ITS
COMMISSIONER/DIRECTOR GROUND
FLOOR D WING SATPUDA BHAWAN
BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF
AYUSH/COUNSELLING AUTHORITY,
STATE OF MADHYA PRADESH ,
THROUGH ITS
COMMISSIONER/DIRECTORATE
GROUND FLOOR D WING SATPUDA
BHAWAN BHOPAL (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 5109 of 2023

BETWEEN:-

VEENA VADINI AYURVED COLLEGE AND
HOSPITAL RUN BY VEENA VADINI
EDUCATIONAL EVAM PRASHIKSHAN
SANSTHAN (A SOCIETY REGISTERED UNDER
SOCIETIES REGISTRATION ACT 1973)
THROUGH ITS VICE PRINCIPAL DR. MANISH

**JAIN S/O LATE R.K. JAIN AGED 40 YEARS
BEHIND KANHA KUNJ AKBARPUR KOLAR
ROAD BHOPAL THROUGH R/O D.K. 3/49
DANISH KUNJ KOLAR ROAD BHOPAL
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI -ADVOCATE)

AND

- 1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH
GPO COMPLEX AYUSH BHAWAN B
BLOCK INA NEW DELHI (DELHI)**
- 2. NATIONAL COMMISSION OF INDIAN
SYSTEM OF MEDICINE THROUGH ITS
SECRETARY 61-65 SEWA MARG
OPPOSITE D-BLOCK INDUSTRIAL
AREA JANAKPURI NEW DELHI 110058
(DELHI)**
- 3. NATIONAL TESTING AGENCY
(AUTONOMOUS ORGANIZATION)
UNDER THE DEPARTMENT OF HIGHER
EDUCATION MINISTRY OF
EDUCATION GOVT. OF INDIA
THROUGH ITS SECRETARY C-20 IA/8
SECTOR 62 IITK OUTREACH CENTRE
NODIA 201309 AND 1ST FLOOR NSIC
MDBP BUILDING OKHLA INDUSTRIAL
ESTATE NEW DELHI 110020 (DELHI)**
- 4. STATE OF M.P. THROUGH PRINCIPAL
SECRETARY DEPARTMENT OF AYUSH
3RD FLOOR VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)**
- 5. DIRECTORATE OF MEDICAL
EDUCATION STATE OF M.P. THROUGH
ITS COMMISSIONER/DIRECTOR
GROUND FLOOR D WING SATPUDA
BHAWAN BHOPAL (MADHYA
PRADESH)**

6. DIRECTORATE OF
AYUSH/COUNSELING AUTHORITY
STATE OF M.P. THROUGH ITS
COMMISSIONER/DIRECTORATE
GROUND FLOOR D WING SATPUDA
BHAWAN BHOPAL (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-
STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-
UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN
JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI
ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI
PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL
TESTING AGENCY)*

WRIT PETITION No. 5289 of 2023

BETWEEN:-

RADHARAMAN AYURVEDA MEDICAL
COLLEGE RESEARCH HOSPITAL THROUGH
MR. PRAVEEN SAXENA AGED ABOUT 47
YEARS PRESIDENT TAPASYA SHIKSHA
SAMITI, HAVING ITS OFFICE AT 504 BDA
COMPLEX 7 NO. BUS STOP, SHIVAJI NAGAR
BHOPAL (MADHYA PRADESH)

.....PETITIONER

*(BY SHRI KISHORE SHRIVASTAVA – SENIOR ADVOCATE AND SHRI
NAMAN NAGRATH – SENIOR ADVOCATE ASSISTED BY SHRI NIKHIL
TIWARI, MS. ADITI SHRIVASTAVA, SHRI ATUL SHUKLA AND SHRI
DEVASHISH SAKALKAR – ADVOCATES)*

AND

1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH
GPO COMPLEX AYUSH BHAWAN B
BLOCK INA NEW DELHI (DELHI)
2. THE NATIONAL COMMISSION FOR
INDIAN SYSTEM OF MEDICINE

THROUGH ITS SECRETARY 61-65 SEWA MARG, OPPOSITE D-BLOCK, INDUSTRIAL AREA JANAKPURI, NEW DELHI (DELHI)

3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVERNMENT OF INDIA THROUGH ITS SECRETARY C-20 1A/8 SECTOR 62 IITK OUTREACH CENTRE NOIDA 201309 AND 1ST FLOOR, NSIC-MDBP BUILDING, OKHDA INDUSTRIAL ESTATE NEW DELHI (DELHI)
4. STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY, DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL EDUCATION STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER / DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF AYUSH / COUNSELLING AUTHORITY STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER / DIRECTORATE GROUND FLOOR D WING SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 5540 of 2023**BETWEEN:-**

**DEPARTMENT OF AYURVEDA AND
COMUNITY IES UNIVERSITY BHOPAL RUN
BY INFOTECH EDUCATION SOCIETY (A
SOCIE THROUGH ITS REGISTRAR DR.
JYOTIRAM SAWALE S/O SHRI ARJUN
SAWALE AGED 45 YEARS C/O IES CAMPUS
KALKHEDA RATIBAD MAIN ROAD BHOPAL
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

- 1. UNION OF INDIA THROUGH ITS
SECRETARY MINISTRY OF AYUSH
GPO COMPLEX AYUSH BHAWAN B
BLOCK INA NEW DELHI (DELHI)**
- 2. NATIONAL COMMISSION OF INDIAN
SYSTEM OF MEDICINE THROUGH ITS
SECRETARY 61-65 SEWA MARG
OPPOSITE D-BLOCK INDUSTRIAL
AREA JANAKPURI, NEW DELHI
(DELHI)**
- 3. NATIONAL TESTING AGENCY
(AUTONOMOUS ORGANIZATION)
UNDER THE DEPARTMENT OF HIGHER
EDUCATION, MINISTRY OF
EDUCATION, GOVT. OF INDIA
THROUGH ITS SECRETARY C-20 1A/8
SECTOR 62 IITK OUTREACH CENTRE,
NOIDA 201309 AND 1ST FLOOR, NSIC-
MDBP BUILDING, OKHLA INDUSTRIAL
ESTATE NEW DELHI (DELHI)**
- 4. STATE OF MADHYA PRADESH
THROUGH PRINCIPAL SECRETARY,
DEPARTMENT OF AYUSH 3RD FLOOR
VALLABH BHAWAN, BHOPAL**

(MADHYA PRADESH)

5. DIRECTORATE OF MEDICAL EDUCATION, STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER / DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF AYUSH / COUNSELING AUTHORITY, STATE OF MADHYA PRADESH THROUGH ITS COMMISSIONER / DIRECTORATE GROUND FLOOR D WING SATPUDA BHAWAN, BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

WRIT PETITION No. 5541 of 2023

BETWEEN:-

OM AYURVEDIC MEDICAL COLLEGE AND HOSPITAL THROUGH ITS CHAIRMAN SANTOSH PAL AGED 51 YEARS S/O LATE SHRI RAM RATAN PAL C/O JAMTHI P.O. BHARAT BHARATI B BETUL JAMTHI P.O. BHARAT BHARATI BETUL RUN BY OM SWASTH EVAM SHIKSHA PARISHAD BETUL (A SOCIETY REGISTERED UNDER SOCIETIES REGISTRATION ACT 1973) (MADHYA PRADESH)

.....PETITIONER

(BY SHRI JAI KUMAR PILLAI - ADVOCATE)

AND

1. UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF AYUSH GPO COMPLEX AYUSH BHAWAN B BLOCK INA NEW DELHI (DELHI)
2. NATIONAL COMMISSION ON INDIAN SYSTEM OF MEDICINE THROUGH ITS SECRETARY 61-65 SEWA MARG OPPOSITE D-BLOCK INDUSTRIAL AREA JANAKPURI NEW DELHI 110058 (DELHI)
3. NATIONAL TESTING AGENCY (AUTONOMOUS ORGANIZATION) UNDER THE DEPARTMENT OF HIGHER EDUCATION MINISTRY OF EDUCATION GOVT. OF INDIA THROUGH ITS SECRETARY C-20 IA/8 SECTOR 62 IITK OUTREACH CENTRE NODIA 201309 AND 1ST FLOOR NSIC MDBP BUILDING OKHLA INDUSTRIAL ESTATE NEW DELHI 110020 (DELHI)
4. STATE OF M.P. THROUGH PRINCIPAL SECRETARY DEPARTMENT OF AYUSH 3RD FLOOR VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
5. DIRECTORATE OF MEDICAL EDUCATION STATE OF M.P. THROUGH ITS COMMISSIONER / DIRECTOR GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)
6. DIRECTORATE OF AYUSH / COUNSELING AUTHORITY STATE OF M.P. THROUGH ITS COMMISSIONER / DIRECTORATE GROUND FLOOR D WING SATPUDA BHAWAN BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PIYUSH JAIN - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE, SHRI VIKRAM SINGH – ADVOCATE FOR THE RESPONDENTS-UNION OF INDIA, SHRI ADITYA SANGHI - ADVOCATE WITH MS. NAIN JYOTI AND SHRI AMAN BAJPAI – ADVOCATES FOR THE NCIM, SHRI ADITYA SINGH RAJPUT – ADVOCATE FOR THE NCH/CCH AND SHRI PUSHPENDRA YADAV – ASSISTANT SOLICITOR GENERAL FOR NATIONAL TESTING AGENCY)

Reserved on : 28.04.2023
Pronounced on : 10.07.2023

These petitions having been heard and reserved for orders, coming on for pronouncement this day, Hon’ble Shri Justice Vivek Agarwal passed the following:

ORDER

1. CONTENT & CONTEXT

This bunch of 34 cases consists of cases filed by various Homeopathic Medical Colleges in the State of Madhya Pradesh and colleges imparting instructions in Ayurveda and allied Indian System of Medicine, leading to degrees of BHMS or BAMS, respectively, at undergraduate level.

1.1 These petitions pertain to year 2021, 2022 and 2023. Reliefs claimed by them can be summarized as under:-

“1. That this Hon'ble Court may be pleased to issue any appropriate writ/order/direction, declaring Regulation 3 of the Homeopathic (Degree Course) Amendment Regulations, 2018 in so far as it mandates NEET as an essential eligibility criteria as ultra vires Section 20 of the Homeopathy Central Council Act 1973 (hereinafter referred to as the “Act of 1973”) and be please to strike down the same, as also being violative of Article 14 Read With Article 19(i)(g) of the Constitution of India.

2. That this Hon'ble Court may be pleased to pass any appropriate writ/order/direction declaring Rule 3.1 r/w Rule 3. of the AYUSH Course Admission Rules 2020 framed by the State Government as ultra vires Section 20 of the CCH Act 1973 and resultantly strike down the same as unenforceable and hold that students who have not participated or qualified in the NEET examination 2020 are also entitled to participate in the counselling process for admission to BHMS courses in the State of Madhya Pradesh for the current academic year 2020-21 in the ongoing counseling process so conducted by the respondent State and the counseling authorities.

3. This Hon'ble Court may be pleased to issue any appropriate writ/order/direction, directing the Respondent State and the counseling authorities to permit 10+2 qualified students to participate in the ongoing counselling process for the BHMS course and take admissions against the vacant seats in various private unaided Homoeopathy colleges in the State of Madhya Pradesh in the ongoing counselling process for the academic year 2020-21 in the interest of justice as is been done in the case of BNYS courses by the respondent State and the counselling authorities.

4. This Hon'ble Court may be pleased to issue any appropriate writ/order/direction, directing the Respondent Central as well as the State Authorities to extend the date of counselling and admissions by a suitable time period, at least 10 days for enabling the non NEET participating and qualified students to participate in the admission process and seek admissions against the vacant leftover seats in the counselling process for the BHMS courses conducted by the Respondent State Authorities in the interest of Justice.

5. This Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, directing the Respondent State to permit the Petitioner institution to conduct a college level counselling for the seats remaining vacant after the

counselling for the seat of the All India Quota and the State level counselling First and Second.

6. That this Hon'ble Court may be pleased to issue any appropriate writ/order/direction, declaring Regulation 4A of the Homeopathic (Degree Course) Amendment Regulations, 2018 in so far as it mandates NEET as an essential eligibility criteria as ultra vires Section 20 of the Act of 1973 and be please to strike down the same, as also being violative of Article 14 Read With Article 19(i)(g) of the Constitution of India.

7. This Hon'ble Court may be pleased to issue any appropriate writ/order/direction, directing the Respondent State and the counselling authorities to permit 10+2 qualified students to participate in the ongoing counselling process for the BHMS course and take admissions against the vacant seats in petitioner private unaided Homoeopathy college in the State of Madhya Pradesh in the ongoing counselling process for the academic year 2021-22 in the interest of justice.

8. That this Hon'ble Court may be pleased to pass any appropriate writ/order/direction to declare that The Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations 2018 dated 07.12.2018 (Annexure P-2) issued by the Central Council of Indian Medicine regarding admission to AYIUSH course (B.A.M.S) as illegal and inoperative and contrary to section 14 of The National Commission for Indian System of Medicine Act 2020.

9. That this Hon'ble Court may be pleased to pass -any appropriate writ/ order / direction to the respondents to act upon and comply with the mandate of section 14 of the National Commission for Indian System 'of Medicine Act 2020 and hold separate exam for AYUSH Course Le Ayurveda and Indian Medicines.

10. To issue writ order or direction directing the respondent National Homeopathy Commission to conduct Uniform NEET Exam for undergraduate Homeopathy Course strictly as per section 14 of the NCH Act 2020.

11. To issue appropriate writ/order/direction, declaring the clause 2.3.3., clause 2.4.2, clause 6.1.3, clause 14.3.2, Clause 14.5 and Chapter 16:, Clause 16.1 of NEET UG 2022 Information Bulletin for admission to Under Graduate Medical Course being contrary te provision of the NCH Act 2020 and further to be declared ultra vires and to be struck down as also being violative of Article 14 Read With Article 19(i)(g) of the Constitution of India.

12. To hold that students who have not participated or qualified in the NEET examination 17.07.2022 are also entitled to participate in the counselling process for admission to BHMS courses in the State of Madhya Pradesh for the current academic year 2022-23 in the ongoing counselling process so conducted by the Respondent State and the counselling authorities.

13. To declare AYUSH course admission rules 2022 (as far related to BHMS course) framed by the State Government as ultra vires section 14 of NCH Act, 2020.

14. Any other relief, which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also kindly be granted to the Petitioners.”

1.2 Petitioners herein are claiming various reliefs but mainly their contention is two-fold. Some of the petitioners are opposing the common NEET for filling up seats for MBBS (Bachelor of Medicine, Bachelor of Surgery) and BDS (Bachelor of Dental Surgery) courses under the modern medicine system and undergraduate seats leading to degree of BHMS and BAMS on various grounds and largely borrowing their

contentions from the decision of the Karnataka High Court at Dharwad Bench in **Karnataka Private Homeopathic Medical Colleges Management Association and others Vs. Union of India and others** (W.P. No.100650/2021, decided on 31.08.2021 and connected W.P. No.100652/2021), wherein in the factual background of that case, the Division Bench of the Karnataka High Court has struck down the Amended Regulations, gazetted on 14.12.2018 and 19.06.2019, only in so far as the petitioners therein are concerned, holding them to be illegal and arbitrary; making it clear that the order which is passed in the peculiar facts of the case, shall not be treated as a precedent by those who are not parties to these writ petitions. Consequently directed to approve the admissions of the students made pursuant to the interim order dated 26.02.2021 passed in those writ petitions and modified by the Hon'ble Supreme Court vide its order dated 12.04.2021 passed in SLP No.5288/2021.

1.3 W.P. No.5626/2021 which is a lead case for Homeopathic colleges, seeks a declaration that Regulation 3 of the Homeopathic (Degree Course) Amendment Regulations, 2018 (hereinafter referred to as the "Regulations of 2018"), in so far as it mandates NEET as an essential eligibility criteria, be declared as ultra vires to Section 20 of the Central Council of Homeopathy Act, 1973 (hereinafter referred to as the "Act of 1973") and be struck down being violative of Article 14 read with Article 19(i)(g) of the Constitution. Similarly seeks direction to declare AYUSH Course Admissions Rules, 2020, framed by the State Government as ultra vires to Section 20 of the Act of 1973 and then further direct the respondents/State and the counselling authorities to

permit 10+2 qualified students to participate in the ongoing counselling process.

1.4 As far as relief claimed in this case is concerned, the Hon'ble Supreme Court vide order dated 20th February, 2020 in **Union of India Vs. Federation of Self-Financed Ayurved Colleges, Punjab and others** (Civil Appeal No.603 of 2020 (Arising out of SLP (C) No.26267 of 2019) and other connected civil appeals, has dealt with the matter and keeping in view the factual matrix in para 4 noted that the point which arose for their consideration was whether the students seeking admissions to undergraduate courses (BAMS, BUMS, BSMS and BHMS) and Postgraduate courses can be denied admission on the ground that they did not take up NEET or that they did not get the minimum percentile prescribed by the Regulations of 2018.

2. CONTENTIONS

2.1 Similar arguments were put forth on behalf of the institutions and the students that Regulations of 2018 are ultra vires the Act and no power is conferred on the Central Council to make regulations for introduction of an All Indian Entrance Examination under Section 36 of the Act. It was also argued that NEET is not structured for AYUSH courses as syllabi for AYUSH courses is completely different from the syllabi for MBBS or BDS courses. This issue is argued before this Court also in other petitions contending that some of the petitioners are not *per se* against NEET but separate NEET is required to be organized for students seeking admission in Homeopathy and Ayurvedic colleges and if that NEET is to be conducted then that is to be strictly conducted by the

concerned Regulatory body and not by the National Testing Agency in commonality with NEET conducted for MBBS or BDS courses.

2.2 In the said case, Shri Pushpendra Yadav, learned Assistant Solicitor General appearing for the Central Council had submitted that Regulations of 2018 are valid, having been made in the exercise of the power conferred by the Central Council under Section 36 of the Act. It is further submitted that Section 22 of the Act pertains to minimum standards of education in Indian medicines and includes the power to conduct entrance examination for admission to the undergraduate courses. Thus, it was argued that Central Council is not denuded of the power to make regulations as Section 36 of the Act enables the Council to make regulations generally to carry out the purposes of the Act.

2.3 It was also urged that minimum qualifying percentile fixed for admission to the undergraduate courses (BAMS, BUMS, BSMS and BHMS) is required to be maintained in order to ensure minimum standards of education. It was also argued that general standards for admission to professional courses are fixed on the basis of a detailed study and the correctness of such decision is beyond the ken of the Court.

2.4 Reliance is placed on the judgment of the Hon'ble Supreme Court in **Veterinary Council of India Vs. Indian Council of Agriculture Research, (2000) 1 SCC 750**, wherein it is held that Section 22 of the Indian Medicine Central Council Act, 1970, is pari materia with Section 22 of the Veterinary Council of India Act, which deals with the minimum standards of education in Indian medicine and covers the topic of an All India common entrance examination and thus, held that Regulations of 2018 cannot be said to be ultra vires the Act. However, it held that since some seats which remained vacant after the State

counselling, were filled on the basis of interim orders passed by the High Court of Punjab & Haryana, without insisting on NEET, therefore, it is held that doctors who are qualified in Ayurveda, Unani, Homeopathy streams also treat patients and the lack of minimum standards of education would result in half-baked doctors being turned out of professional colleges. Non-availability of eligible candidates for admission to AYUSH undergraduate courses cannot be a reason to lower the standards prescribed by the Central Council for admission. However, it protected those students who had taken admission on the strength of interim orders passed by the High Court prior to the last date of admission i.e. 15.10.2019 and 31.10.2019 for postgraduate students as a one-time exercise under the peculiar circumstances and further held that it shall not be treated as a precedent.

2.5 The Hon'ble Supreme Court also observed that notification dated 14.12.2018 pertaining to the Homeopathic course is similar to that of AYUSH and thus, left an option to the petitioners to raise the issue of non compliance of the procedure prescribed under the Act of 1973 for making regulations.

2.6 Shri Naman Nagrath, learned senior counsel arguing in leading case W.P. No.6199/2022, which is pertaining to Homeopathic medical colleges submits that NEET is designed for MBBS and BDS. He puts forth broader issue, namely, whether NEET is appropriate to admit students in other branches of medicines, namely, Homeopathy, Ayurveda, Siddha, etc.? He further submits that the Act of 1973 was repealed in 2020. He submits that National Council for Homeopathy was notified vide Gazette notification dated 21.09.2020. Section 2(d) defines "Commission". That means the National Commission for Homeopathy

constituted under Section 3. Similarly, it is submitted that Section 2(j) defines “Medical Institutions” as any institution within or outside India, which, grants degrees, diplomas or licences in Homeopathy and includes affiliated colleges and deemed to be universities.

2.7 Learned senior counsel submitted that Regulations of 2018 were set aside by the Karnataka High Court. The Indian System of Medicine Regulations came in force in February, 2022 and the Homeopathy Regulations came in force in December, 2022. It is further submitted that since the Regulations of 2018 were set aside by the Karnataka High Court, therefore, no NEET could have been conducted for the year 2020-2021 under the old Regulations till new Regulations came in force in February, 2022 and December, 2022, for Indian System of Medicines and Homeopathy, respectively. He submits that petitioners are not opposing NEET. Rather their only demand is for grant of permission to fill seats left vacant after NEET, through college level counselling.

2.8 It is further submitted by him that Section 14(1) of the National Commission for Homeopathy Act, 2020 (hereinafter referred to as the “Act of 2020”) is different from NEET meant for MBBS and BDS and NEET meant for Indian system of medicines is different. While reading Section 14(1) of the Act of 2020, he submitted that it provides for a uniform National Eligibility-cum-Entrance test for admission to the undergraduate courses in Homeopathy in all medical institutions governed under this Act. Referring to Sub-Section 2 of Section 14 of the Act of 2020, he submits that it provides that the Commission shall conduct the National Eligibility-cum-Entrance Test in English and in such other languages, through such designated authority and in such

manner as may be prescribed by the Regulations. Thus, according to him a reading of definition of 'Commission' contained in Section 2(d) and 'Medical Institutions' in Section 2(j), would clearly suggest that it is in fact National Commission for Homeopathy constituted under Section 3, which is required to conduct a separate NEET for filling up the seats in undergraduate Homeopathy courses in all medical institutions granting Degrees, Diplomas or Licences in Homeopathy.

2.9 It is also submitted by him that the Ministry of AYUSH had conducted a separate NEET for SOWA-RIGPA system of medicines under Section 2(h) of the National Commission for Indian System of Medicines Act, 2020 (hereinafter referred to as the 'NCISM Act'). Thus, it is submitted that the Commission is in agreement, be it for Indian system of medicines or under Homeopathy that separate NEET is to be conducted for courses under the Indian System of Medicine and Homeopathy. He further contended that there is no foundation for cut-off date 30.11.2018 and in this regard he has placed reliance on the judgment of the Hon'ble Supreme Court in **Swadeshi Cotton Mills Co. Ltd. v. State Industrial Tribunal, AIR 1961 SC 1381**, wherein it is held that where statute requires that certain delegated powers may be exercised on fulfillment of certain conditions precedent, it is most desirable that the exercise should be prefaced with a recital showing that the condition has been fulfilled.

2.10 The learned counsel further relied upon the judgment dated 25.02.2023 of the Delhi High Court passed in **Priyanshu Undaviya and others Vs. Union of India and others** in W.P. (C) No.451/2022, CM applications 1274/2022 and 10133/2022, wherein the Delhi High Court has, by implication, quashed the Regulations of 2018 for all stakeholders.

On that basis he submitted that once a Central legislation is set aside then, it is not open to other High Courts to test the validity of the said notification. In this view of the matter, the learned senior counsel submitted that judgment of the Karnataka High Court will be applicable to other High Courts. It is further submitted that Regulations of 2018 are dated 14.12.2018. The Homeopathy Act came in force on 21.09.2020 and the Indian System of Medicine Act came in force on the same date, whereas National Medical Commission Act (NMC) is of the year 2019 and therefore, there could not have been any NEET under the National Medical Commission Act, 2019 for colleges imparting instructions in Indian System of Medicines and Homeopathy.

2.11 Yet another submission of the learned senior counsel is that if after first circulation of draft, fresh amendments are made then, fresh circulation is mandatory else the provisions of Section 20(2) of the Act of 1973 will be rendered redundant. It is submitted that Section 20 of the Act of 1973 provides for minimum standards of education in Homeopathy. Sub-section (2) of Section 20 provides for copies of the draft regulations and of all subsequent amendments thereof to be furnished by the Central Council to all State Governments and the Central Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the date of furnishing of the copies as aforesaid. It is submitted that if the State would have made some suggestions and if they would have been incorporated then, recirculation would have been necessary. However, it is admitted that the State of Madhya Pradesh and the State of Karnataka had not proposed any suggestion.

2.12 At the cost of repetition, it is again submitted by the learned counsel that Section 14(1) of the Act of 2020 contemplates different NEET to be organized by the Central Council of Homeopathy as syllabus for MBBS NEET and Indian system of Medicine, is not common and there is no conscious decision as to the applicability of same standards. Thus, the Regulation 3 of the Regulations of 2018 is ultra vires to Section 20 of the Act of 1973. Rule 31 read with Rule 6.2 of AYUSH Admission Rules are also ultra vires to the relevant provisions of the Act.

2.13 Still further, Shri Naman Nagrath submits that in last three years, 60-70% seats had fallen vacant due to non-availability of eligible candidates. It is submitted that syllabus provided by the National Medical Commission, is not applicable to Ayurveda and Homeopathic colleges for which separate NEET is required to be conducted.

2.14 Shri Kishore Shrivastava, learned senior counsel for the petitioners in one bunch of the writ petitions mainly dealing with Aryurvedic Colleges submits that the petitioners represented by him are in favour of the NEET but that NEET should be exclusively for the Ayurvedic Colleges as is the spirit of the provisions of the Central Council of Indian Medicine Notification dated 07.12.2018 wherein Section 2 deals with eligibility for admission and Clause-D provides for a uniform entrance examination for all medical institutions at the undergraduate level, namely, National Eligibility-cum-Entrance Test (NEET) for admission to undergraduate courses in each academic year and shall be conducted by an authority designated by the Central Government. There has to be a separate NEET and it is to be organized exclusively for the Ayurvedic Colleges. He took us through Section 2(j) of the National Medical Commission Act, 2019 wherein “Medicine” is

defined to mean modern scientific medicine in all its branches and includes surgery and obstetrics but does not include veterinary medicine and surgery. It is pointed out that since Section 60 of the National Medical Commission Act, 2019 repeals the Indian Medical Council Act, 1956 and not the provisions contained in the Indian Medicine Central Council Act, 1970, therefore, the NEET provided in Section 14 of the National Medical Commission Act, 2019 will be specifically covering only modern medicine and not Indian system of Medicine. According to him, the proviso below Section 14(1) needs to be interpreted in overall spirit of the provisions as contained in Section 2(j) read with Section 60 of the National Medical Commission Act, 2019. It is not the petitioners' contention that the colleges be allowed to fill the seats but their contention is that the National Commission for Indian System of Medicine Act, 2020 alone can decide the standard, which will definitely be different for MBBS as compared to Ayurveda and, therefore, the common NEET is not permissible.

2.15 Shri Kishore Shrivastava, learned senior counsel places reliance on the judgment of the Hon'ble Supreme Court in **Shri Prithvi Cotton Mills Limited & Another Vs. Broach Borough Municipality & Others, 1969 (2) SCC 283=AIR 1970 SC 192** to contend that when a legislature sets out to validate a tax declared by a Court to be illegally collected under an ineffective or invalid law, the cause for ineffectiveness or invalidity must be removed before validation can be said to take place effectively. The most important condition is that the legislature must possess the power to impose the tax, for if it does not, the action must ever remain ineffective and illegal. Accordingly, the legislative competence, does not suffice to declare merely that the decision of the

Court shall not bind for that is autonomous to reversing the decision in exercise of the judicial power which the legislature does not possess or exercise. A Court's decision must always bind unless the conditions on which it is based are so fundamentally altered that the decision could not have been given in the altered circumstances. Reading the aforesaid judgment, it is submitted that the Act of 2019 could not have prescribed the general NEET for all medical institutions governed under any other law for the first time being in force without repealing those specific statute. There is no quarrel in regard to conduct of NEET but the dispute is in regard to the agency and as to who will conduct the same.

2.16 Placing reliance on the judgment of the Hon'ble Supreme Court in **Pharmacy Council of India Vs. Dr. S.K. Toshniwal Educational Trusts Vidarbha Institute of Pharmacy (2021) 10 SCC 657**, it is submitted by Shri Kishore Shrivastava, learned senior counsel that the Hon'ble Supreme Court was examining whether the Pharmacy Act, which is a prior Act to that of the All India Council For Technical Education Act, 1987, can be said to be a Special Act with special provisions in the field of Pharmacy and answering this, it is held by the Hon'ble Supreme Court that in exercise of powers vested in the Pharmacy Act, 1948, the Pharmacy Council of India (PCI) framed a number of regulations for prescribing minimum standards of education as well as regulating the subject of pharmacy in India. It is held that as per the preamble of the Pharmacy Act, 1948, it has been enacted to make better provisions for regulation of the provisions and practice of pharmacy and for that purpose to constitute Pharmacy Councils, the Pharmacy Act, 1948 seems to ensure that there is seamless regulation of the profession. To carry out the object and purpose of the Pharmacy Act,

1948, the legislature established under the statute, an autonomous statutory authority i.e. the Pharmacy Council of India. Thus, it can be said that in the field of pharmacy, the Pharmacy Act, 1948 is a special law. It is held that the Pharmacy Act, 1948 exclusively covers all areas inclusive of approval of courses, laying down course contents, eligibility conditions for students as well as the teachers, evaluating standards of examination, grant of registration, entry of higher qualification in the same discipline and taking action for infamous conduct, etc. Thus, it is held that the Pharmacy Act, 1948 is a complete Code in itself in the subject of Pharmacy. The Pharmacy Council of India has been constituted as a body empowered to regulate education and profession of pharmacy in India. The subject of pharmacy is special and not general. Thus, it is held that All India Council for Technical Education Act, 1987 can be said to be a general Act for technical education. Thus, placing reliance on the said judgment, it is submitted that there is no conflict in regard to the fact that the National Commission for Indian System of Medicine Act, 2020 is a complete Code. The learned senior counsel places reliance on the judgment of the Hon'ble Supreme Court in case of **Competent Authority Vs. Baangore Jute Factory & Others, (2005) 13 SCC 477** to contend that it is a settled law that where a statute requires a particular act to be done in a particular manner, the act has to be done in that manner alone. Every word of the statute has to be given its due meaning. The learned senior counsel further places reliance on the judgment of the Hon'ble Supreme Court in case of **Cherukuri Mani Vs. The Chief Secretary, Government of Andhra Pradesh & Others (2015) 13 SCC 722** to contend that where the law prescribes a thing to be done in a particular manner following a particular procedure, it shall be done in the

same manner following the provisions of law without deviating from the prescribed procedure.

2.17 Shri Aditya Sanghi, learned counsel for NCIM submits that the subsequent judgment of the High Court of Karnataka in the case of **Karnataka Private Homeopathic Medical College Managements Association & Others Vs. Union of India & Others in Writ Petition No.25723/2022 decided on 3.3.2023** deals with only Homeopathic Colleges and not the Ayurvedic Colleges. Whereas, the judgment of Delhi High Court in the case of **Priyanshu Undaviya** (supra) deals with Ayurvedic Colleges and the National Commission for Homeopathy Act, 2020 came into force on 21.9.2020.

2.18 Placing reliance on the judgment of the Constitution Bench of the Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Jainarayan Chouksey & Others (2016) 9 SCC 412**, it is submitted by Shri Aditya Sanghi that the Supreme Court has clarified its earlier decision in **Modern Dental College and Research Centre & Others Vs. State of Madhya Pradesh & Others (2016) 7 SCC 353** by saying that the mandate of their judgment to hold the centralized entrance test followed by the centralized State Counselling by the State to make it a composite process, therefore, directed that admission to all medical seats shall be conducted through Centralized Counselling only by the State Government and none else. It also observed that if any counselling has been done by any college or university and any admission to any medical seat has been given so far, such admission shall stand cancelled forthwith and admission shall be given only as per the Centralized Counselling done by the State Government. Thus, reading from the aforesaid judgment, it is submitted that the Hon'ble Supreme Court in **State of**

Madhya Pradesh Vs. Jainarayan Chouksey & Others (supra) has highlighted the importance of centralized entrance test followed by the Centralized State Counselling. This decision of the Constitution Bench holds the field even today and, therefore, there cannot be any tampering with the ratio of the decision of the Constitution Bench of this Court.

2.19 It is further submitted by Shri Aditya Sanghi that the High Court of Karnataka **vide its order dated 3.3.2023 in Writ Petition No.25723/2022 (Karnataka State Private Homeopathic Medical College Managements Association & Others Vs. Union of India)** has held that the provisions contained in Sections 3, 4, 10, 12, 14, 43, 44 & 55(2)(m) of the National Commission For Homeopathy Act, 2022 are valid and constitutional. It is further held that the National Commission for Homeopathy (Homeopathy Degree Course of B.H.M.S) Regulation, 2022 are also intra vires. It is also held that those regulations will not apply to the process for admissions to B.H.M.S undergraduate course, which have already commenced on 19.9.2022.

2.20 Reliance is also placed on the judgment of the Hon'ble Supreme Court in **Dental Council of India Vs. Biani Shikshan Samiti & Another (2022) 6 SCC 65** wherein it is held that the High Court while striking down the impugned notification making amendment in the existing regulation, on the ground that unamended provisions ought to have been preferred over the amended provisions, then the High Court while recording such a finding entered into an area of experts, which is impermissible for the Court. It is further held that the grounds for challenge to a subordinate legislation are the same as those on which plenary legislation may be challenged including the ground of manifest arbitrariness that the subordinate legislation does not conform to the

parent primary statute. When the challenge is on the ground of unreasonableness, such unreasonableness should not merely be in the sense of not being reasonable, but should be in the sense that it is manifestly arbitrary.

2.21 Reliance is also placed on the judgment of the High Court of Judicature at Allahabad in **Writ Petition No.20273/2021 (Lalit Chaudhary & 10 Others Vs. Union of India & 6 Others)** decided on **29.11.2021** dealing with the issue in writ petitions filed by the petitioners for declaring the Combined Pre AYUSH Test, 2017 (CPAT) for admission in B.A.M.S Course for the Sessions 2017-2018 as unconstitutional, illegal and void ab initio on the ground that the minimum standard of education in Indian Medicine Regulations, 1986 as amended from time to time does not provide for any common entrance test for admission in B.A.M.S course in various institutions run in the State. Since the regulation provides for direct admission to the B.A.M.S course to those candidates, who fulfill the mentioned qualification as prescribed in the aforesaid regulations as amended by Notification dated 25.4.2022, therefore, when the respondent/Institute had admitted the students directly for the academic session 2015-2016 and neither the State Government nor the University raised any objection to such direct admissions then the prescription of a Combined Pre AYUSH Test was not called for.

2.22 The learned counsel submits that Ministry of AYUSH in its meeting held on 9.5.2016 resolved that the admission to the above mentioned course should be made in the country through National Eligibility-cum-Entrance Test from 2017-2018 and admissions to the above mentioned course through any other means will not be admissible

in any case for the year 2016-2017 and a direction was issued to the State Government to take responsibility to implement the aforesaid decision. On 26.4.2017, the Ministry of AYUSH communicated to all the State Authorities that in case due to some difficulties, the States are unable to adopt NEET merit-list for AYUSH UG admission for the academic year 2017-2018 then the States may admit students in the Colleges and Institutions through Common Entrance Test (CET) of the concerned State Governments. Thus, the Combined Pre AYUSH Test, 2017 was put to challenge on the ground that the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations, 2018, do not provide for Common Entrance Test in respect of the course in question and that the aforesaid regulations were amended by Notification dated 7.12.2018 whereby a Uniform Entrance Examination was introduced for the first time for all medical institutions at the undergraduate level. Since there was no provision for the academic year 2017-2018 in the regulations for conducting Common Entrance Test/Uniform Entrance Test for the course in question, the State had no power under the Indian Medicine Central Council Act, 1970, or under the Regulations to impose any condition with regard to Common Entrance Test/Uniform Entrance Test.

2.23 The Division Bench of the High Court of Judicature at Allahabad in **Lalit Chaudhary's** case (**supra**) while referring to the decision of the Constitution Bench in **Preeti Srivastava (Dr.) & Another Vs. State of Madhya Pradesh & Others (1999) 7 SCC 120** held that the regulation of admissions has a direct impact on the maintenance of the standards of education and in exercise of its power to prescribe and maintain the standard of education, the Central Council of

Indian Medicine has the right as well as the obligation to regulate the admission. The relevant Paragraph Nos.28, 29, 30, 31, 32, 36 & 37 of the Division Bench judgment in the case of **Lalit Chaudhary (supra)** read are as under:-

“28. The Indian Medicine Central Council (Minimum Standard of Education in Indian Medicine) Regulations at the relevant time did not provide any specific direction for holding of admissions in the course in question in a particular manner and in fact the regulations only prescribed the admission qualifications for eligibility/admission in Bachelor of Ayurveda education and as such the directions issued by the Central Council and the Ministry of Ayush were in no manner contrary to the Indian Medicine Central Council Act, 1970 and the Regulations framed thereunder. Where the regulations are silent in respect of the mode and manner of admissions in the course in question and the directions are issued by the Central Council and the Ministry of Ayush for admissions in the course in question through a Common Entrance Examination, the same cannot be said to be contrary to law. The field not being occupied by the Indian Medicine Central Council Act, 1970 and the Regulations framed thereunder and as such it is open for the respondent authorities to direct for holding of Common Entrance Test in respect of the admissions to the course in question specifically in view of the directions of the Hon'ble Apex Court and the powers vested in the Central Council and the Government.

29. The legislative competence of Parliament and the legislatures of the States to make laws under Article 246 is regulated by the VII Schedule to the Constitution. In the VII Schedule as originally in force, Entry 11 of List II gave to the State an exclusive power to legislate on “education

including universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I and Entry 25 of List III”. Entry 11 of List II was deleted and Entry 25 of List III was amended with effect from 3-1-1976 as a result of the Constitution 42nd Amendment Act of 1976. The present Entry 25 in the Concurrent List is as follows:-

“25. Education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.”

Entry 25 is subject, inter alia, to Entry 66 of List I. Entry 66 of List I is as follows:

“66. Coordination and determination of standards in institutions for higher education or research and scientific and technical institutions.”

30. Both the Union as well as the States have the power to legislate on education including medical education, subject, inter alia, to Entry 66 of List I which deals with laying down standards in institutions for higher education or research and scientific and technical institutions as also coordination of such standards. The State cannot, while controlling education in the State, impinge on standards in institutions for higher education as this is exclusively within the purview of the Union Government. Therefore, while prescribing the criteria for admission to the institutions for higher education including higher medical education, the State cannot adversely affect the standards laid down by the Union of India under Entry 66 of List I. The States are required to act in accordance with the standards for admission set by the Union and its agencies.

31. The executive power of the Union Government under Article 73 extends to the matters in respect to which the Parliament has power to make laws. While the executive cannot act against the provisions of law, it does not follow that in order to enable the executive to function relating to a particular subject there must be a law already in existence authorising such action. The functions of the executive are not confined to the execution of laws made by the legislature already in existence. Article 73 indicate that the power of the executive of the Union are coextensive with the legislature power of the Union. In the present case, the directions for holding of Common Entrance Test is relatable to Entry 66 of List-I and in furtherance of the order of the Hon'ble Apex Court as detailed hereinabove. It is to be seen that the Indian Medicine Central Council Act and the Regulations framed thereunder at the relevant point of time were silent in respect of the mode/manner of admissions to be made in the BAMS Course and as such, the directions issued by the Government of India and the Central Council is consistent with the Entry 66 List I of the Constitution of India. Once the Government of India, Ministry of Ayush has laid down the standard for higher education in the course in question by fixing Common Entrance Test in respect of admission to the course in question, it was incumbent upon the State Government to have followed the aforesaid direction and to have conducted the common entrance test for BAMS course for the Session 2017–18 and the aforesaid action of the State Government cannot be faulted on the ground that there is no provision in law, empowering the State Government to hold the common entrance test.

32. The course in question is undoubtedly a professional course. The institutions, therefore cannot be permitted to admit students through a process which is not fair and

transparent and which does not promote merit and excellence in such courses. To curb the malpractices, the Supreme Court in the case of Modern Dental College and Research Centre Versus State of Madhya Pradesh, (2016) 7 SCC 353 has emphasised the need for common entrance test to be held for admission in professional courses. In the present case, the institution in question has adopted dual approach while some students have been admitted by means of the common entrance examination and the unfilled vacancies in the institution for the course in question, have been filled up by direct admission by the respondent no.7– Institution. Institution was aware that admission was to be from NEET students only. If sufficient students were not available, it could have raised a grievance but direct admission, in face of direction by the competent body in light of Supreme Court direction was not permissible. Learned counsel for the petitioners has not been able to show the source of power which permits the respondent institution to directly take admissions in the course in question specifically when the institution already received student from the common entrance examination. The advertisement issued by the respondent institution for taking direct admissions in the institution does not prescribe the procedure adopted by the respondent institution to take admissions in the institution. Further, the petitioners have no fundamental right to take admissions in the professional courses of higher education and any admission in respect of the professional courses can only be through common entrance test in view of the judgment of the Apex Court and the decision of Ministry of Ayush. The respondent institution could not be permitted to take admissions directly in professional courses specifically when Central Council and the Government of India has only permitted admission to the course in question through a common entrance examination. The non-availability of eligible candidates for admission in the course

in question cannot be a reason to permit direct admissions by the respondent No 7–Institution which will amount to lowering the minimum standard of education prescribed by the respondent Nos. 1 and 2. The petitioners had the opportunity to appear in the common entrance examination conducted by the State of Uttar Pradesh in respect of the course in question at the relevant time. However, the petitioners did not appear in the common entrance examination and thereafter as a backdoor entry have secured the admission to the respondent No.7–Institution in the professional course which is unfair and illegal.

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36. It is further to be seen that the present writ petition pertains to the challenge to the BAMS Course for the Session 2017-18 and as per the case of the petitioners, in July, 2019 they were debarred by the University from filling the annual examination form online. Thereafter the respondent No.7-Institution filed Writ Petition No.23634 of 2019 challenging the aforesaid action of the respondent authorities and the aforesaid writ petition was disposed of by order dated 22.07.2019. The present writ petitioners who are the students in respect of the course in question however, at that point of time, did not prefer any writ petition before this Court challenging the action of the respondent authorities. However, when the writ petition of respondent no. 7-Institution was disposed of by order dated 22.07.2019, the petitioners have preferred the present writ petition in August, 2021. The aforesaid delay on behalf of the petitioners specifically after the order dated 22.07.2019 is of significance as the institution's writ was already disposed of with a specific finding that the institution has not only compromised with the merit but the also put the future of the petitioners at stake and as such, the present writ petition is a

belated exercise which is not permissible in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India.

37. In view of the aforesaid, the petitioners are not candidates who have secured admission in the BAMS Course for the Session 2017–18 in accordance with the established procedure and in accordance with the directions of the Supreme Court, through Common Entrance Test and as such are not valid candidates/students and as such no right accrues in favour of the petitioners for admission in the course in question.”

2.24 Similarly, reliance is also placed on the judgment of the Hon’ble Supreme Court in **Abdul Ahad & Others Vs. Union of India (2020) 1 SCC OnLine (SC) 627**, wherein it is held that Courts cannot view illegal admissions sympathetically and therefore, ought to decline grant of relief to the students unlawfully admitted to medical college through private counseling. Placing reliance on the said judgment, it is submitted that even the Hon’ble Supreme Court has deprecated the practice of giving admission in an out of turn manner and that practice has been deprecated by the Supreme Court.

2.25 The learned counsel further submits that there is no pleading that the provisions of the National Medical Commission Act, 2019 are ultra vires.

2.26 Shri Aditya Singh Rajput, learned counsel for respondent No.4-National Commission For Homeopathy in his turn submits that Shri Naman Nagrath, learned senior counsel has relied on the judgment of the Karnataka High Court but in view of the provisions contained in Section

59 of the New Act of 2020, the requirement and concurrence of 50% of the State Government is not needed, therefore, the judgment of Karnataka High Court has no application to the facts of the present case. The advertisement for 2021 NEET was issued on 13.7.2021. A Coordinate Bench of this Court in **Ms. Shruti Patidar Vs. State of Madhya Pradesh (Writ Petition No.8499/2021) decided on 4.5.2022** observed that the Hon'ble Supreme Court has recently held in Paragraph No.25 in **Abdul Ahad's** case (supra) that the backdoor entry is not permissible for a person claiming any equitable relief. If somebody secures a seat contrary to the governing statutory provisions, no benefit can be obtained on the basis of the said illegality. Similarly, quoting Paragraph No.30 of **Abdul Ahad & Others versus Union of India (supra)**, it is submitted that if the admissions are de hors the rules, they need to be quashed. It is also submitted by learned counsel for the respondent No.4 that recently an Article is published in AYU, an international quarterly journal of research in Ayurveda under the title Reformation A Need for Ayurveda Education by Dr. Mandip Goyal DOI:10.4103/AYU.AYU_79_22, wherein the emphasis is laid on the fact that admissibility of any medical science depends on the status of upgradation. The continuous pooling for information is required to keep any science alive and make it applicable and suitable for the need of the Society and the same is applicable to the tradition of system of medicine. It is further opined that the Faculty Development Programmes (FDPs) should be designed so that the experts from the other allied contemporary sciences are also involved, enabling Ayurveda Teachers to expand their knowledge to provide clarity and presumption about his/her discipline along with others. Placing reliance

on the said Article, it is submitted that this Article highlights the need for collaboration with other branches of medicine & science.

2.27 Reliance is placed on the **Christian Medical College Vellore Association Vs. Union of India & Others (2020) 8 SCC 705** wherein the Hon'ble Supreme Court reaffirmed the validity of NEET and held that the unfair, non-transparent, exploitative admission process, corruption, various evils and unscrupulous practices in private medical colleges, mandates taking over of admission process by the Government and the statutory amendments prescribing the transparent, merit based Common Entrance Test for eligibility and centralized admission process for all medical and dental colleges in India without any exception i.e. NEET is held to be valid and in the national interest, in the welfare of students and teachers and further held that it does not put a minority institution to a disadvantage compared to the others institutions. It is held that the impugned regulations are reasonable, satisfy the doctrine of proportionality and cannot be said to violate the concept of limited Government and least interference. The prescription of NEET cannot be said to violate any fundamental or constitutional rights of any institution whether private colleges or the State Government's Institutions aided or unaided. The impugned regulations are for material improvements, correlated to improvement of public health and thus are a step in furtherance of duty of State as enshrined in Article 47 of the Constitution of India. It is held that the prescription of NEET is to provide equal opportunity and level launching platform to an individual to perform his duty as enshrined in Article 51A(j) of the Constitution of India.

2.28 The learned counsel for the respondent No.4 has also placed reliance on the judgment of the Hon'ble Supreme Court in **Union of**

India Vs. Federation of Self Financed Ayurvedic Colleges Punjab & Others (2020) 12 SCC 115 wherein upholding the prescription of All India National Eligibility-cum-Entrance Test for admission to under graduate and post graduate AYUSH courses and stipulating minimum qualifying marks, the Hon'ble Supreme Court held that the doctors' qualified in Ayurveda, Unani and Homeopathy streams also treat patients and lack of improvement in standard of education would result in half baked doctors being turned out from the professional colleges. It is further held that non-availability of eligible candidates for admission to AYUSH courses cannot be a reason to lower standards prescribed by the Central Council for admission. Reliance is also placed on the judgment of the Madras High Court in **Ms. Hemlatha Vs. State of Tamil Nadu & Others Manu/TN/1428/2017** wherein it is held that the deemed Universities cannot claim any independent status and they are covered by the Regulations of the Medical Council of India including the Seat Sharing Regulation. It is further held that the commercialization of the professional education especially the medical education continues to be a worrisome issue to the public. Even in these cases, though most of the institutions have surrendered all their seats, they have not surrendered 15% NRI quota seats and some filled up all the seats by conducting a separate counselling contrary to the regulations and the judgment of the Hon'ble Supreme Court. This kind of a situation is an extraordinary situation where the interest of meritorious students are at stake. The extraordinary situation requires extraordinary remedy as held by the Hon'ble Supreme Court in **Prithi Pal Singh Vs. State of Punjab & Others (2012) 1 SCC 10**.

2.29 The further contention of the learned counsel is that erroneous interpretation is being given to the order dated 31.8.2021 passed by the Division Bench of the Karnataka High Court in the case of **Karnataka Private Homeopathic Medical Colleges Management Association** (supra) inasmuch as it makes clear that the regulations were only set aside with respect to the petitioners of those petitions. It is further submitted that the powers of the Central Government in framing the policies/directions are protected by virtue of the National Commission For Homeopathy Act, 2020 wherein Section 43 deals with the powers of the Central Government to give directions to the Commission and the Autonomous Boards and Section 44 deals with the power of Central Government to give directions to the State Governments. Allowing colleges to admit students without any counselling would violate Section 14(3) of the Indian Commission For Homeopathy Act, 2020. Even the Homeopathy (Degree Course) Amendment Regulations, 2015 also provide for competitive examinations and even if 2018's Regulations are held to be ultra vires then the pre-amendment position will operate and the eligibility shall be governed by the earlier amendment i.e. Homeopathy (Degree Course) Amendment Regulations, 2015. Regulation 6 of the Amendment Regulations, 2015 provides that the Central Government itself or any other agency notified by it, shall conduct a competitive examination in case of institutions of an all India character. Thus, the genesis of NEET is already existing in the Amended Regulations, 2015 and that having been not challenged, the petitioners are not entitled to any relief.

3. FINDINGS

Having regard to the pleadings of the parties and the contentions advanced, some issues which can be formulated to decide the controversies raised in this bunch of petitions can be summarized as under:-

- (a) Whether the private medical colleges are entitled to fill their undergraduate seats at their own level without adhering to the merit list issued by the authority i.e. National Testing Agency or any other authority, as the case may be, without following the cut off marks etc.?
- (b) Whether the colleges are entitled to fill their undergraduate seats be it Homeopathic or Ayurvedic colleges from amongst those students, who have not participated in the NEET or have failed to qualify in the NEET as per the prescription given in the Regulations/concerned Act?
- (c) Whether the Rules and Regulations provide for conduct of separate NEET for Ayurvedic colleges, Homeopathic colleges and other colleges dealing with Indian system of Medicine, different from the NEET prescribed for admitting students to courses usually termed as leading to graduate degree in modern medicine be it MBBS or BDS or any other course?
- (d) Another issue is that whether the minimum qualification for appearing in either of the entrance examinations, which are conducted for admitting students leading to graduate degrees be it modern medicine or Indian system of Medicine or Homeopathy is uniform to the extent that it requires minimum qualification of 12th pass under 10+2 scheme or an equivalent qualification with

science subjects like Physics, Chemistry and Biology or there are different prescriptions of eligibility criteria requiring different entrance examination because syllabus to the entrance examination will vary on the basis of the requirement of the eligibility criteria?

(e) Another issue, which emerges for consideration is that what will be the impact of the judgment of the Karnataka High Court in **Karnataka Private Homeopathic Medical Colleges Management Association** (supra) vis-a-vis decision of the Supreme Court in **Abdul Ahad's** case (supra), which has exhaustively dealt with the judgment of the Supreme Court in **Glocal Medical College** (supra) besides the judgment of the Supreme Court in **Modern Dental College** (supra) and **State of Madhya Pradesh Vs. Jayanarayan Chouksey and others** (supra) to hold that it was not at all permissible for the Glocal Medical College to have conducted private counselling. The admissions which were conducted through the said private counselling, cannot be termed as anything else but *per se* illegal. This judgment is to be examined in terms of the provisions contained in Regulations of 2019 in relation to the Act of 2019, namely, National Medical Commission Act, 2019.

3.1 The reliefs claimed by various petitioners can be classified under the following categories, namely:-

(i) The petitioners have sought for declaring Regulation 3 and 4A of the Homeopathic (Degree Course) Amendment Regulations, 2018, as far as it mandates NEET as

an essential criteria, to be ultra vires to Section 20 of the Act of 1973.

- (ii) Similarly, it is claimed that Rule 3.1 read with Rule 6.2 of Ayush Course Admission Rules framed by the State Government are ultra vires to Section 20 of the Act of 1973. Accordingly, the prayer is made that the colleges be allowed to fill seats from amongst the candidates who have passed 12th Class or who have not participated in the NEET examination.
- (iii) Similarly, reliefs have been claimed for other years and it is prayed that the Indian Medicines Central Council (Minimum Standard of Education in Indian Medicine) Amendment Regulations, 2018 be declared as illegal, arbitrary and unenforceable having been framed without complying with mandatory requirement of procedure provided under Section 20(2) of the Act of 1970.

3.2 After having given conscious and patient hearing to learned counsel for the parties and on going through the material available on record, first four issues framed for consideration appear to be intertwined. There is no hesitation to hold that minimum eligibility prescribed for either taking admission in BHMS course or BAMS course is to possess the Higher Secondary Certificate under 10+2 scheme or any equivalent certificate with Physics, Chemistry and Biology as subjects. Same is the prescription for qualification to appear in MBBS for BDS courses. Thus, the common minimum thread running through various entrance examinations leading to admission in graduate courses be it MBBS or

BDS degree or BHMS or BAMS degrees, is the minimum eligibility criteria of higher secondary in aforesaid subjects. It is not the case of the petitioners though it was specifically asked that whether anybody qualified in Sanskrit, Economics or Political Science and not having 12th certificate from Science stream i.e. Physics, Chemistry, Biology, is entitled to appear in any of the entrance examinations, though silence has been displayed on the part of the counsel for the petitioners but their silence answers the aspect that qualification for admission to any of the undergraduate courses is 12th with Physics, Chemistry and Biology leading to degree in MBBS/BDS/BAMS/ BHMS courses.

3.3 This aspect is fortified from the copy of Madhya Pradesh Ayurved, Homeopathy and Unani Snatak Pravesh Niyam, 2022, issued on 01.11.2022 which is part of the paper-book submitted by Shri Aditya Singh Rajput, learned counsel for National Commission for Homeopathy. In these Admission Rules of 2022, there is a specific mention in Rule 6.1 which deals with qualifications for admission that a candidate seeking admission to BAMS, BHMS and BUMS courses should pass either from Central Board of Secondary Education, New Delhi or Board of Secondary Education, Madhya Pradesh, Bhopal 12th pass examination under 10+2 scheme or any equivalent examination from any other State in Physics, Chemistry and Biology where candidate should pass each of these subjects with an aggregate of 50% marks for Unreserved category and 40% marks for Reserved category. For BUMS which deals with Unani medicine, there is an additional qualification that the prospective candidate should have studied Urdu or Arbi or Farsi as a subject and should have qualified it in 10th or 12th class. It is further mentioned that if a student has not studied Urdu, Arbi or Farsi in 10th or 12th class then also

they shall be eligible but they will have to study Arbi Logic and Philosophy along with Urdu language in the first professional of BUMS course. Thus, the first argument put forth by learned Senior Advocates Shri Naman Nagrath and Shri Kishore Shrivastava that NEET cannot be common because there are different standards for course contents, is not made out, as the eligibility qualification is to have possessed 12th certificate under 10+2 scheme or an equivalent scheme from any State Board with Physics, Chemistry and Biology subjects, which is also a qualification prescribed for admission to MBBS or BDS courses.

3.4 The National Medical Commission Act, 2019 in its Preamble makes a mention of the fact that it is “An Act to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the country; that promotes equitable and universal healthcare that encourages community health perspective and makes services of medical professionals accessible to all the citizens; that promotes national health goals; that encourages medical professionals to adopt latest medical research in their work and to contribute to research; that has an objective periodic and transparent assessment of medical institutions and facilitates maintenance of a medical register for India and enforces high ethical standards in all aspects of medical services; that is flexible to adapt to changing needs and has an effective grievance redressal mechanism for matters connected therewith or incidental thereto.” Thus, when Preamble of the National Medical Commission Act, 2019 is read in totality, it aims at promoting equitable and universal healthcare that encourages community health perspective and make services of medical professionals accessible to all citizens to promote

National health goals, etc. Besides, Section 2(j) of the Act of 2019 also provides that the modern scientific medicine in all its branches excludes only veterinary medicine and veterinary surgery and nothing else. Thus, when examined from this perspective then the proviso below Section 14(1) Act of 2019, providing for uniform National Eligibility-cum-Entrance Test (NEET) for admission to the undergraduate medical education making it applicable to all medical institutions governed under any other law for the time being in force is all inclusive as is evident from the Preamble of the Act of 2019.

3.5 Thus, the submission made by learned senior counsel that proviso below Section 14(1) Act of 2019 could not have been enforced as relevant National Commission for Indian System of Medicine Act, 2020 and National Commission for Homeopathy Act, 2020 came into force on 21st September, 2020 and, therefore, NEET could not have been prescribed for courses governed by the latter two Acts, does not appear to be a holistic and complete position especially in view of the Preamble of the Act of 2019, which talks of universal healthcare encouraging community health perspective with a view to make services of medical professionals accessible to all the citizens to promote National health goals. When this aspect is examined from the perspective of the articles submitted by Shri Aditya Singh Rajput then somewhere it is to be accepted that the ultimate aim of any system of medicine is welfare of people and they cannot survive and grow following their own 'Schism'. Even this is the spirit of the judgments of the Hon'ble Supreme Court in **Union of India Vs. Federation of Self-financed Ayurvedic colleges, Punjab and others** (supra) where the Hon'ble Supreme Court has held that the doctors qualified in Ayurveda, Unani and Homeopathy streams

also treat patients and lack of improvement in standard of education would result in half-baked doctors being turned out from the professional colleges. In this view of the matter, once it is accepted and it has to be accepted as discussed above, the eligibility criteria to seek admission is the same i.e. 12th pass with Physics, Chemistry and Biology subjects then the prescription of common NEET cannot be said to be arbitrary or illegal.

3.6 Now that brings us to the another aspect that whether colleges can admit students dehors the provisions contained in Section 14 of the respective Acts dealing with national examination. The common thread to all the three Acts be it the National Medical Commission Act, 2019, National Commission for Indian System Act, 2020 or National Commission for Homeopathy Act, 2020, is that the Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to all the medical institutions governed under the respective Acts. Thus, the emphasis is on the designated authority and the Commission is authorized to designate the authority. The second important aspect is mentioned below Section 14(3) in the proviso that the common counselling shall be conducted by the designated authority of – (i) The Central Government, for all India seats; and (ii) The State Government, for the remaining seats at the State level.

3.7 Referring to the decisions in the cases of **Jainarayan Chouksey** (supra) specifically to paragraphs 5 and 6 and then to the decision in the case of **Modern Dental College and Research Center** (supra) and also taking into consideration a Division Bench judgment of Allahabad High Court in **Lalit Chaudhary's** case (supra), which negated

the challenge to the notification dated 22.04.2012, in **Glocal Medical College** (supra), the Hon'ble Supreme Court has held as under:-

“In the light of this position, it was not at all permissible for the Glocal Medical College to have conducted private counselling. The admissions which were conducted through the said private counselling cannot be termed as anything else but *per se* illegal.”

The Hon'ble Supreme Court further held in para 28 of the aforesaid judgment that :-

“Though we have all the sympathies with the students, we will not be in a position to do anything to protect the admissions, which were done in a patently illegal manner”.

Further, referring to its earlier decision in **Guru Nanak Dev University Vs. Parminder Kr. Bansal And Another, (1993) 4 SCC 401**, the Hon'ble Supreme Court held as under:-

“In the present case, the High Court was apparently moved by sympathy for the candidates than by an accurate assessment of even the prima facie legal position. Such orders cannot be allowed to stand. The Courts should not embarrass academic authorities by itself taking over their functions.”

3.8 Thus, in the light of the aforesaid decision, there is no prescription for either college level counselling or there is no prescription for making colleges to admit students at their own and thus the argument advanced by Shri Naman Nagrath that colleges be permitted to fill vacant

seats on the basis of 12th score-card is de hors the provisions of the Act of 2020 and the same cannot be given a seal of approval.

3.9 The Regulations of 2022 be it National Commission for Indian System of Medicine or National Commission for Homeopathy, specifically provide for the National Eligibility-cum-Entrance Test. Regulation 5(2) provides that “(i) There shall be a uniform entrance examination for all medical institutions at undergraduate level, namely the National Eligibility-cum-Entrance Test (NEET) for admission to undergraduate programme in each academic year and shall be conducted by an authority designated by the National Commission for Indian system of Medicine.” In Regulation 5(2)(ii), it is provided that in order to consider for admission to undergraduate programme for an academic year, it shall be necessary for a candidate to obtain minimum of marks at 50th percentile in the NEET for undergraduate programme held for the said academic year. It further provides for relaxation in case of SC-ST and OBC candidates to 40th percentile and in case of candidates with specified disabilities under the Rights of Persons with Disabilities Act, 2016, at 45th percentile in case of General category and 40th percentile for SC-ST and OBC category and then second proviso further empowers the National Commission that where sufficient number of candidates in the respective category fail to secure minimum marks in the National Eligibility-cum-Entrance Test (NEET) held for any academic year for admission to undergraduate programme, the National Commission for Indian System of Medicine in consultation with the Central Government may at its discretion lower the minimum marks required for admission to undergraduate programme for candidates belonging to respective categories and marks so lowered by the Central Government shall be

applicable for that academic year only, leaves no manner of doubt that standards for admission cannot be diluted by any authority other than the concerned National Commission in consultation with the Central Government.

3.10 Similarly the Indian Medicine Central Council (Minimum standards of Education in Indian Medicine) Regulations, 2016 provides for in the Aims and Objects as under:-

“The Bachelor of Ayurveda education shall aim at producing graduates, having profound knowledge of Ashtanga Ayurveda supplemented with knowledge of scientific advances in modern medicine along with extensive practical training so as to become efficient physicians and surgeons fully competent to serve the healthcare services.”

3.11 Second Amendment provides for admission qualification and provides that persons seeking admission in Bachelor of Ayurveda education are required to pass 12th standard with Science or any other equivalent examination recognised by concerned State Governments and Education Boards with at least fifty percent aggregate marks in the subjects of Physics, Chemistry and Biology. Thus, when the argument put forth by Shri Naman Nagrath and his associates, is viewed from this perspective also then there cannot be any dilution of standards permissible besides the directions of the Hon’ble Supreme Court in **Abdul Ahad** (supra) that the backdoor entry is not permissible for a person claiming any equitable relief. If somebody secures the seat contrary to the governing statutory provisions, no benefit can be obtained on the basis of said illegality.

3.12 The argument that the vacant seats after NEET be allowed to be filled at the college level counseling from the 12th class, there is no hesitation in our mind to hold that institutions are not entitled to admit students, who have not appeared in the NEET and have not secured minimum prescribed standards as prescribed in the concerned Regulations unless they are diluted for that particular academic year by the concerned National Commission in consultation with the Central Government.

3.13 As far as reliance placed by the learned counsel for the petitioners on the decision of the Hon'ble Supreme Court in **Swadeshi Cotton Mills Limited's** case (supra) is concerned, there is no quarrel with regard to the fact that where the statute requires certain delegated powers to be exercised in a particular manner then those powers should be exercised in that very manner alone. Same is the ratio of the judgment of the Hon'ble Supreme Court in the case of **Prithvi Cotton Mills Limited (supra)** but the fact of the matter as submitted by Shri Aditya Singh Rajput is that even the Homeopathy (Degree Course) Amendment Regulations, 2015 provides for eligibility criteria in Regulation 4A which reads thus:-

“4A. Criteria for selection of students.– (i) The selection of students to the college shall be based solely on merit of the candidate and for determination of merit, the following criteria be adopted uniformly throughout the country, namely:-

(a) In States, having only one Medical College and one University or examining body conducting the competitive examination,

marks obtained at such qualifying examination shall be taken into consideration.

(b) In states, having more than one University or examining body conducting the competitive examination or where there is more than one medical college under the administrative control of one authority, a competitive examination shall be held so as to achieve a uniform evaluation.

(c) Where there are more than one college in a State and only one University or examining Board conducting the competitive examination, then a joint selection board consisting of the Principals of all the colleges and a representative from the faculty of University or examining Body, as the case may be, shall be constituted by the State Government for all colleges to achieve a uniform method of competitive examination.

(d) The Central Government itself or any other agency notified by it shall conduct a competitive examination in the case of institutions of an all India character.

(ii) A candidate shall be eligible for the competitive examination if he has passed any of the qualifying examinations specified under regulation 4.”

3.14 Further subjects for study and examination for the BHMS course as mentioned in the Amendment Regulations of 2015 leaves no manner of doubt that the students of Homeopathy are also made to study

subjects akin to modern medicines like Anatomy, Physiology, Pathology, Forensic Medicine and Toxicology, Community Medicine, Surgery, Gynecology and Obstetrics. This negates the submission made by learned counsel for their respective colleges that the course contents being different for MBBS and BDS and that of Homeopathy and Ayurvedic courses, there cannot be a common prescription for Homeopathic and Ayurvedic colleges.

3.15 In the syllabus prescribed under the scheme of examination Physiology (Kriya Sharir), Anatomy (Rachna Sharir), Pharmacology and Materia Medica (Dravyaguna Vigyan), Pharmaceutical Science (Rasashastra evam Bhaishajya Kalpana), Diagnostic Procedure, Pathology (Roga Nidan evam Vikriti Vigyan), Toxicology and Medical Jurisprudence (Agad Tantra Vyavahar Ayurved evam Vidhi Vaidyaka, Preventive and Social medical and Yoga (Swasthavritta and Yoga), Obstetrics and Gynecology (Prasuti evam Striroga) and Paediatrics (Bal Roga), are also taught which leaves no manner of doubt that there is a close interlinking amongst Indian system of Medicine, Homeopathy and modern medicine.

3.16 When all these aspects are read in terms of the Aims and Preamble of the National Medical Commission Act, 2019 then there being a close nexus and common goal to achieve objective of health for all and equitable and universal healthcare then prescription of uniform entrance examination in the Act of 2019 cannot be said to be encroaching on the field of individual pathies because the common objective of all the pathies is to promote equitable and universal health.

3.17 While claiming the relief of declaration of the Rules pertaining to Homeopathy and Indian System of Medicines as ultra vires, the main

thrust is on the judgment of the Karnataka High Court, Dharwad Bench decided on 31.08.2021 in the case of **Karnataka Private Homeopathic Medical Colleges Management Association (supra)** whereby the Karnataka High Court has set aside the Amendment Regulations gazetted on 14.12.2018 and 19.06.2019. It also made clear that the order was passed under the peculiar facts and circumstances of the case, therefore, it will not be treated as a precedent. Analogy used to arrive at the aforesaid conclusion is that the Regulation making power was not exercised in the manner set out in law and there was non-compliance of the mandatory requirement of Sub-section (2) of Section 20 of the Act of 1973. Section 20 of the Act of 1973 provides for minimum standards of education in Homeopathy. Sub-section (1) thereof provides that the Central Council may prescribe the minimum standards of education in Homeopathy required for granting recognized medical qualification by Universities, Boards or Medical Institutions in India. Sub-section (2) of Section 20 of the Act of 1973 provides that copies of the draft regulations and all subsequent amendments thereof shall be furnished by the Central Council to all State Governments and the Central Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of the State Government received within three months from the furnishing of the copies, as aforesaid. The Karnataka High Court observed that when the matter was taken up, the Act of 1973 was repealed by a new enactment called the National Commission of Homeopathy Act, 2020 published on 20.09.2020 whereby Section 14 therein mandates conducting of National Eligibility cum Entrance Test for the undergraduate course while Section 16 thereof mandates

conducting of Post-graduate National Entrance Test for the post-graduate courses.

3.18 We are dealing with the admissions pertaining to the year 2021, 2022 and 2023. It is settled law as held by the Hon'ble Supreme Court in the case of **Indian Express Newspapers (Bombay) Pvt. Ltd. vs. Union of India, AIR 1986 SC 515** that the validity of any subordinate legislation can be challenged on the following four grounds:

- (i) That the rule making authority lacked the legislative competence to make the rules,
- (ii) That the rule violated any provision of the Constitution of India, in particular, the fundamental rights guaranteed under Chapter III of the Constitution,
- (iii) That the rule does not conform to or is repugnant to the statute under which it is made or any other statute,
- (iv) That the rule is manifestly arbitrary (as contrasted from mere unreasonableness).

3.19 When tested on these touchstones of the aspect of these four parameters mentioned above then it cannot be said that the rule making authority lacked the legislative competence or the rules violated any provision of the Constitution of India or rule does not conform to or is repugnant to the statute under which it is made or the rule is manifestly arbitrary. The basic purpose of the Act of 1973 is to prescribe minimum standards of education. The same is pari material in regard to the Indian System of Medicine. The Hon'ble Supreme Court in the case of **Iqbal Ismail Sodawala vs. State of Maharashtra and others, AIR 1974 SC 1880** has held that when substantial compliance with the requirement of law is made then mere procedural irregularity would not vitiate the

judgment itself. The Kerala High Court in the case of **M. Usman vs. Kerala Financial Corporation** (W.A. No.1285/2006, decided on 23.11.2006) has held that the procedural irregularity cannot vitiate the action itself. In fact, unless it is proved that the Regulation of 2018 has caused miscarriage of justice then the procedural irregularity alone will not be sufficient to vitiate the Regulations of 2018.

3.20 The Hon'ble Supreme Court in the case of **Willie (William) Slaney vs. State of Madhya Pradesh, AIR 1956 SC 116** held that illegality and irregularity can only be an incurable irregularity, incurable because of prejudice leading to a failure of justice. The question of prejudice is a question of fact to be decided by the courts in each particular case. In the present case, it has come on record that a note was circulated for the opinion of the State Government and admittedly the State of Madhya Pradesh including the petitioners did not submit any representation. Moreover, they have failed to show any prejudice to them and have failed to point out that except for their narrow interest of filling the seats in the undergraduate courses, any prejudice has been caused to the cause of minimum standards of education in Homeopathy which is the central theme of Section 20 of the Act of 1973. Thus, in the absence of any prejudice and taking this fact into consideration that subsequently, the NCH Act of 2020 provides for uniformed NEET to the undergraduate in Homeopathy in all Medical institutions governed under this Act and similarly the Indian System of Medicine Act prescribes similar terms and conditions and the Hon'ble Supreme Court in the case of **Christian Medical College Vellore Association** (supra) has upheld the validity of NEET for admissions in MBBS and BDS courses. Similarly, the Hon'ble Supreme Court in the case of **Union of India vs. Federation of Self**

Finance Ayurvedic Colleges, Punjab and others, (2020) 12 SCC 115 has held that prescription of all India National Eligibility cum Entrance Test (NEET) for admission to undergraduate and postgraduate AYUSH courses and stipulating minimum qualifying marks, is valid. It further observed that the doctors qualified in Ayurvedic, Unani and Homeopathy streams also treat patients and lack of minimum standards of education would result in half baked doctors being turned out of professional courses. In view of the said judgment, it can be safely held that since the purpose of Regulation of 2018 is to enhance the standards of education in the Indian System of Medicine and Homeopathy and therefore, that object being served by conducting NEET and that object being in larger public interest than the interest of the individuals, we are of the considered opinion that the Regulations of 2018 cannot be said to be ultra vires of the earlier Act of 1973. In fact, in the case of **Veterinary Council of India** (supra) this aspect has already been dealt with and has been followed in **Federation of Self Finance Ayurvedic Colleges, Punjab** (supra). This discussion leads to the following conclusions, namely:

- (i) Neither the Regulation 3 or Regulation IV(a) of Homeopathic (Degree Course) Amendment Regulations, 2018 insofar as it mandates NEET are not ultra vires to Section 20 of the Act of 1973 and are not liable to be struck down.
- (ii) Similarly, Regulations/Rules in regard to AYUSH courses cannot be said to be ultra vires of the parent Act.
- (iii) The colleges are not entitled to fill any seat for giving admissions to the students to undergraduate courses in Homeopathy and Indian System of Medicine on account of selection of students on the

basis of their 12th class marks or from amongst the pool of students who did not participate in the NEET or those students who have failed to achieve the minimum standards of eligibility prescribed by the competent authority.

3.21 When viewed from the aforesaid perspective of equitable and universal health to promote community health in the country, the judgment rendered by the Karnataka High Court in **Karnataka Private Homeopathic Medical Colleges Management Association (supra)**, having failed to take into consideration all these aspects and also the fact that there is a common thread running through all the Rules, Regulations and Acts and that being to serve the mankind in achieving equitable and universal health goals and that judgment being not in rem but in personam will not deter us from holding that the judgment rendered by the Karnataka High Court at Dharwad Bench in **Karnataka Private Homeopathic Medical Colleges Management Association (supra)** has failed to take into consideration overall aims and objects of the various Acts and Regulations to achieve equitable and universal health goals and, therefore, would not in any manner affect the status of the present case. That apart, as held by the Hon'ble Supreme Court in **Christian Medical College Vellore Association (supra)** that unfair, non-transparent, exploitative admission process, corruption various evils and unscrupulous practices in private medical colleges, mandates taking over of admission process by the Government and the statutory amendments prescribing the transparent, merit based common entrance test for eligibility and centralized admission process without any exception i.e. NEET is held to be valid in the national interest and when the law as such is taken into

consideration then neither the prescription of common NEET nor of centralized counselling at central level for All India seats and at State level for State seats can be said to be arbitrary or illegal.

3.22 Before parting, it would be appropriate to mention about the fate of the students who were admitted pursuant to the interim orders passed by this Court in the present bunch of petitions. This Court by interim orders had allowed the petitioner institutions to admit students who had not cleared NEET. These students, so admitted by virtue of interim orders, are in the midst of their respective courses. Though this Court is rejecting all the petitions but considering the time tested maxim of *actus curiae neminem gravabit* (act of the Court shall prejudice none), this Court deems it appropriate and to protect so admitted students from being prejudiced, directs that in special circumstances as prevailing herein, the admissions of the students admitted by virtue of the interim orders passed during the pendency of these petitions, are saved.

4. CONCLUSION

Thus, the plea of the petitioners to either direct holding of separate NEET or to permit them to fill seats at college level cannot be given a seal of approval especially when they have failed to substantiate as to how and in what manner the impugned provisions are ultra vires the Constitution. In this view of the matter and considering the overall facts and circumstances of the case, we find no merit in these petitions. Therefore, these writ petitions deserve to and are dismissed.

5. No orders as to cost.

(SHEEL NAGU)
JUDGE

(VIVEK AGARWAL)
JUDGE

amit/pp