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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12582/2022**
C L CHOUKSEY HOMEOPATHY MEDICAL COLLEGE AND
HOSPITAL Petitioner

Through: Mr. Animesh Kumar, Mr. Nishant
Kumar, Mr. Shubhang Tiwari and
Ms. Anjali Kumari, Advocates.

versus

UNION OF INDIA & ORS. Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
01.09.2022

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CM APPL. 38088/2022 (exemption from filing certified copies / official translated/ typed copies of the annexures/permission to file lengthy list of dates)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 12582/2022 & CM APPL. 38087/2022 (for ex-parte ad-interim relief)

4. Petitioner-Institute's grievance pertains to dismissal of its second appeal by second appellate committee of Respondent No. 1 – Ministry of AYUSH, Union of India [hereinafter, "**the Committee**"] vide letter dated 14th July, 2022 [hereinafter, "**impugned order**"].
5. This is the second round of litigation at the instance of Petitioner-Institute.



On the earlier occasion, this Court *vide* order dated 27th April, 2022 [in W.P.(C) 6335/2022] quashed the order dated 13th April, 2022 of the Committee, and consequently, remanded the matter back to it for fresh consideration. Petitioner-Institute was permitted to participate in counselling for admission of students in BHMS course, during the pendency of its second appeal. Pursuant thereto, Petitioner-Institute admitted 30 students for academic year 2021-22, details whereof are enclosed in annexure P-18. The Committee has now, *vide* the impugned order, rejected the appeal.

6. Mr. Animesh Kumar, counsel for Petitioner-Institute, argues that the impugned order has been passed on the basis of shortcomings, that were never mentioned in the show-cause notice and the Committee has travelled beyond the scope of remand order dated 27th April, 2022. Further, the documents placed before the Committee, in terms of the order dated 15th February, 2022 read with clarification order dated 8th September, 2021, passed in ***Rajeev Gandhi Ayurveda College and Hospital v. Union of India & Ors.*** in W.P.(C) 2784/2022, were also not considered.

7. Issue notice by all permissible modes, upon filing of process fee, returnable on the next date of hearing.

8. Considering the fact that Petitioner-Institute has admitted 30 students in BHMS course pursuant order of this Court, it is directed that pending further orders, such students are permitted to continue with their education in Petitioner-Institute.

9. List on 27th October, 2022.

SANJEEV NARULA, J

SEPTEMBER 1, 2022/nk