



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

WRIT APPEAL NO. 200245 OF 2025 (EDN-REG)

BETWEEN:

1. NATIONAL COMMISSION FOR
INDIAN SYSTEM OF MEDICINE
T-19, 1ST AND 2ND FLOOR,
BLOCK-IV, DHANWANTARI BHAWAN ROAD,
NO.66 PUNJABI BAGH WEST
NEW DELHI - 110 026.
2. THE PRESIDENT,
MEDICAL ASSESSMENT AND
RATING BOARD FOR INDIAN SYSTEM OF MEDICINE
(MARBISM) PUNJABI BAGH WEST,
NEW DELHI - 110 026.

...APPELLANTS

(BY SRI DEEPAK VISHNU BARAD, ADVOCATE (THROUGH VC))

AND:

1. THE CHAIRMAN,
SURABHI NGO WELFARE ORGANISATION'S
PRAYAVI AYURVEDIC MEDICAL COLLEGE HOSPITAL AND
RESEARCH CENTER PLOT NO.68,
KIADB AREA, BANGALORE ROAD,
KOLHAR (K) BIDAR - 585 402.
REPRESENTED BY ITS CHAIRMAN
SRI AMAR S/O AVINASH
YEROLKAR,





2. GOVERNMENT OF INDIA,
MINISTRY OF AYUSH,
'AYUSH BHAWAN', 'B' BLOCK,
G.P.O., COMPLEX, INA NEW DELHI 110 023.
REPRESENTED BY ITS UNDER SECRETARY.
 3. GOVERNMENT OF KARNATAKA,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE DEPARTMENT,
ROOM NO.104, 1ST FLOOR,
VIKAS SOUDHA, BENGALURU – 1.
REPRESENTED BY ITS SECRETARY.
 4. GOVERNMENT OF KARNATAKA,
THE DIRECTOR,
DEPARTMENT OF AYUSH, DHANWANTRI ROAD,
NEAR ANAND RAO CIRCLE,
BENGALURU – 560 009.
 5. THE REGISTRAR,
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.
 6. KARNATAKA EXAMINATION AUTHORITY,
REPRESENTED BY ITS EXECUTIVE DIRECTOR,
18TH CROSS SAMPIGE ROAD,
MALLESHWARAM BENGALURU – 560 012.
- ...RESPONDENTS

(BY SRI R.S. KADAGANCHI, ADVOCATE FOR R1;
SRI SUDHIRSING R.VIJAPUR, DSGI FOR R2;
SMT. MAYA T.R., HCGP FOR R3 AND R4;
SRI R.J.BHUSARE, ADVOCATE FOR R5;
SRI BASAVARAJ R.MATH, ADVOCATE FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO ALLOW THE PRESENT APPEAL, CALL FOR THE CONCERNED RECORDS IN WRIT PETITION NO. 203196/2024 AND SET ASIDE THE IMPUGNED JUDGMENT DATED 01.07.2025, AND PASS SUCH OTHER ORDERS AS THE HON'BLE COURT MAY DEEMS FIT, IN THE INTEREST OF JUSTICE AND EQUITY.



THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ
and
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R.NATARAJ)

The appellants have called in question the correctness of an order dated 01.07.2025 passed by learned Single Judge of this Court in W.P.No.203196/2024.

2. (i) The facts that can be gathered from the writ petition are that the respondent No.1 proposed to establish an Ayurvedic Medical College. Therefore, it applied for permission with the respondent No.1 to start a new Ayurvedic Medical College. The said application was filed on 25.01.2024. The appellant No.2 informed the respondent No.1 about the defects in the application and called upon respondent No.1 to rectify the same. The respondent No.1 purportedly submitted the documents and to comply the defects pointed out. Later, the appellant No.1 again informed the respondent No.1 on 15.04.2014 about certain defects to be rectified. The respondent No.1 submitted its compliance report to the respondent No.2 on 19.04.2024.



(ii) The appellant No.2 issued a notice for fixing a personal hearing on 28.05.2024. The respondent No.1 during the hearing submitted further compliance report on 30.05.2024 and 31.05.2024. However, the appellant No.1 disapproved the application of the petitioner on 17.07.2024. The respondent No.1 then filed an appeal before the appellant No.1 on 25.07.2024. The respondent No.1 issued an endorsement dated 01.08.2024. On 05.08.2024 the respondent No.1 submitted his clarification along with certain documents. The appeal filed by the respondent No.1 was not considered by the appellant No.1. Following which, the respondent No.1 submitted a request with the Minister for Ayush, Government of India.

(iii) The respondent No.1 then filed W.P.No.203196/2024 seeking a direction to consider his application. The learned Single Judge in terms of the order dated 01.07.2025, held that:

"It is seen from the records that the petitioner has established a college and there are only a few lacunas pointed out by the respondents which has led to denial of necessary permission to the petitioner. If the same were to be cured, petitioner should be granted permission. Further, the petitioner has admitted students pursuant to the interim orders of this Court.



Under the said circumstances, I am of the opinion, interest of justice would be met if respondent Nos.1 and 2 are directed to inspect the petitioner-College, verify the documents submitted by it, give an opportunity of hearing and thereafter make necessary recommendations to the authorities concerned regarding grant of permission or not and only thereafter, petitioner is permitted to continue with new admissions."

(iv) Being aggrieved by the aforesaid order, the appellants are before this Court.

3. (i) The learned counsel for the appellants submitted that the respondent No.1 was given ample opportunity to rectify the defects pointed out from time to time. He contends that the respondent No.1 did not cure the defects and therefore, his application was rejected. He submits that a first appeal was filed, but he did not comply the defects and thereafter, second appeal was filed which was also rejected. Hence, he contends that respondent No.1 has lost all further avenues and therefore, it is not entitled to establish the college.

(ii) He therefore contends that allowing further consideration would open flood gates and as much as the appellants are bound to first be satisfied that all the documents



furnished by an applicant is in accordance with the statutory requirements and it is only thereafter that a physical inspection of the college would be done. He therefore contends that the impugned direction issued by the learned Single Judge has the effect of overreaching the provisions of law and also confers a benefit that the rules do not contemplate. He therefore prays that the order passed by the learned Single Judge be set aside and the writ petition filed by the respondent No.1 be dismissed.

4. Per contra, the learned counsel for the respondent No.1 submitted that the respondent No.1 has established the college and has all the required infrastructure. He submits that the defects pointed out are all there too formal in nature and therefore he submits that the appellants be directed to inspect the college to ascertain whether all the necessary infrastructures are available to establish a new Ayurvedic college. He therefore submits that the order passed to the learned Single Judge is just and proper and do not warrant any interference at the hands of this Court.

5. I have considered the submissions of the learned counsel for the appellants as well as the learned counsel for the respondent No.1.



6. It is clear from the records that the respondent No.1 had submitted an application for establishing a new Ayurvedic Medical College. The appellants in terms of its communication dated 12.02.2024, acknowledged the receipt of the application and it was informed that the documents enclosed with the application would be assessed in terms of *"The establishment of new medical college, opening of new or higher course of study or training and increase of admission capacity by a Medical College Regulations, 2019, the Indian Medicine Central Council (Requirement of Minimum Standards for Undergraduate Ayurveda Colleges and attached Hospitals) Regulations, 2016 and under the provisions of the National Commission for Indian System of Medicine Act, 2020 (henceforth referred to as ' the NCISM Act, 2020') and regulations frame thereunder."* The documents filed along with the application were then assessed and in terms of a letter dated 05.03.2024, the following defects were pointed out:

"With reference to your application/scheme vide ref. no. 46/PAMCH/2024-25, dated 25.01.2024 on the subject mentioned above, on scrutiny of the scheme submitted by you, it is found defective and doesn't contain following particulars: -



1. *Documentary evidence that one of the objectives is to Impart education about Ayurveda or Siddha or Unanitimbl or Sowa Rigpa is not mentioned in the submitted Trust.*
2. *Certified copy of the zoning plans of the available sites endorsed by local authority indicating the land allocated for the Ayurveda college and Hospital by demarcating the concerned survey number.*
3. *Tax paid receipt for two years (2021, 2022).*
4. *True copy of Building plan (College and Hospital) approved by local authority and architect with survey number.*
5. *Area statement certificate for both College and Hospital is not as per MSR 2016 and endorsed by architect*
6. *Pollution control certificate from Oct 2021.*
7. *Panchayat licence for establishment of Hospital.*
8. *Fire safety certificate from Oct 2021*
9. *Bio medical waste management agreement from Oct 2021*
10. *College and Hospital building completion certificate certified from concerned authority*
11. *College and Hospital building occupancy certificate certified from local authority.*
12. *Medicine dispensing register (OP and IP Separately) submitted by you for OPD and IPD and for 23 months except October 2021. Kindly submit the complete*



*Medicine dispensing register (OP and. IP Separately)
for October 2021.*

- 13. Indent Register and Stock Register submitted by you
from Dec-2021 to Sept-2023 months except for
October 2021. Kindly submit for the remaining
period.*
- 14. The Purchase bills of Equipment/Instruments and
Machines for the period from Oct-2021 to Sept-2023
along with the copy of bank statement of your
account depicting the transaction of payment of the
said bills.*
- 15. List of medicine prepared / purchased with bills and
Raw drug purchase bill for the period from Oct-2021
to Sept-2023 along with the copy of bank statement
of your account depicting the transaction of payment
of the said bills.*
- 16. The details of providing EPF and ESI facilities to the
hospital staff of the Colleges/Hospitals and regularly
paying fee same as per the provisions of Employees'
Provident Funds and Miscellaneous Provident Act,
1952 & ESI Act, 1948 and relevant Rules and
Regulations.*
- 17. Kindly submit salary details of hospital staff for two
years before submission of application (both existing
as well as relieved) for the period from Oct-2021 to
Sept-2023*
 - Salary Disbursement statement showing the
breakup of payment made to Individual*



accounts of all staff 'along with the bank statement of Institute Indicating clear details regarding the amount transfer to the employee of your institute/Hospital for 24 months starting from Oct 2021 to Sept 2023.

- *Individual salary paid bank statement of all the hospital staff for 24 months starting from Oct 2021 to Sept 2023 in hierarchical and chronological order and according to the format enclosed with the letter.*
- *Letter addressed to the concerned bank for disbursement of salary of staff to their individual account for 24 months starting from Oct 2021 to Sept 2023, endorsed by the bank."*

7. The respondent No.1 in terms of its letter dated 12.03.2024, attached some documents to rectify the defects pointed out. Following this, the documents were verified and a second opportunity was granted to rectify the defects, which was communicated to respondent No.1 vide letter dated 15.04.2024. The defects were as follows:

"With reference to your application/scheme vide ref. no. 46/PAMCH/2024-25, dated 25.01.2024 on the subject mentioned above, on scrutiny of the scheme submitted by you, It is found defective and you were



given an opportunity to rectify the defects vide letter of even number dated 05.03.2024. On further scrutiny of the application along with your rectification report vide ref. no. 63/PAMCH/2024-25 dated 12.03.2024 and 64/PAMCH/2024-25 dated 14.03.2024, It is found that the scheme submitted by you doesn't contain following particulars: -

- 1. True copy of the building plan of the college and hospital building, endorsed by the architect and approved by the local authority with survey numbers. The building plan submitted by you does not have legible details and the name of the Institution and the survey number is found to be handwritten.*
- 2. The Pollution Control Board Certificate for prevention and control of Air and Water pollution submitted by you is dated 05.08.2022 which is not fulfilling for the complete period i.e. from Oct-2021 to Sept-2023.*
- 3. Consolidated hospital patient data for the months October 2021 and November 2021.*
- 4. Kindly submit salary details of the following hospital staff for two years before submission of application (both existing as well as relieved) for the period of deficiency from Oct-2021 to Sept-2023*
 - a) Salary Disbursement statement showing the breakup of payment made to Individual accounts of the following staff along with the bank statement of Institute Indicating clear details regarding the amount transfer to the*



employee of your Institute/Hospital for the for the period of deficiency from Oct-2021 to Sept-2023.

- b) Individual salary paid bank statement of the following hospital staff for the period of deficiency from Oct-2021 to Sept-2023 in hierarchical and chronological order and according to the format enclosed with the letter.*
- c) Letter addressed to the concerned bank for disbursement of salary of the following staff to their individual account for the period of deficiency from Oct-2021 to Sept-2023, endorsed by the bank."*

8. The respondent No.1 then submitted a letter dated 19.04.2024, submitting a rectification report. Thereafter, the appellant No.1 addressed a letter dated 28.05.2024, indicating further defects, which are as follows:

"With reference to your application/scheme vide ref. no. 46/PAMCH/2024-25, dated 25.01.2024 on the subject mentioned above, on scrutiny of the scheme submitted by you, it is found defective you were given an opportunity to rectify the defects vide letter of even number dated 05.03.2024, In response of the same you have submitted the rectification report vide ref. no 63/PAMCH/2024-25 dated 12.03.2024 and 64/PAMCH/2024-25 dated 14.03.2024 and once again the defects found on



scrutinization of the same was again communicated to you vide ref letter of even number dated 15.04.2024, in response to which you submitted the 2nd compliance vide ref no 72/PAMC/2024-25 dated 19.04.2024. On scrutiny of the compliance submitted by you it is found defective and doesn't contain following particulars:-

- 1. The Board was in receipt of a letter vide ref. no. nil dated 04.05.2024, from the Manager, Canara Bank, Bhigwan Branch, Maharashtra (CNRB0006412) stating that, the submitted bank salary statement of Dr. Nitin Hanumant Reut, Consultant Kaumarabhritya is not genuine.*
- 2. In the submitted true copy of the building plan in last compliance report, the name of the institution and the survey numbers are printed; while the same submitted with first compliance report the name of the Institution and the survey numbers are handwritten and without date of approval. On verification of the building plan it was observed that, the date under the signature of ER. Pramod Hatker (Natkar Construction and consultancy services) is 14.06.2018 which was deficient in the previously submitted plan.*
- 3. The Authorisation number and date appears to be edited in the submitted authorization to operate the facility for the treatment of BMW vide Authorization no. 152E0/BDR/BMW/2020-21/351 dated 17.08.2021.*



4. *Dr.Rudrayya Lonimath was shown as Medical Superintendent from 01.01.2020 to 27.08.2022 in your proposed medical college. However, on verification of a different application for a new Ayurveda Medical college for the academic year 2024-25, it was observed that the same person was appointed as Medical Superintendent for the same period (05.09.2020 to 26.08.2022) in their hospital.*
5. *Dr Uday Patil, a MBBS graduate is listed as an on call EMO.*
6. *Joining letters are not signed by the following faculty,*
 - 1) *Dr Pooja Mall Patil (Consultant PTSR)*
 - 2) *Dr. Y Sharada (Consultant SK)*
 - 3) *Dr Divya (RMO)*
 - 4) *Dr Prathibharaj (RMO)*
 - 5) *Dr Nagjyothi (RMO)*
 - 6) *Dr Aishwarya (RMO)*
 - 7) *Dr Ummehani (RMO)*
 - 8) *Dr Adarsh (RMO)*
7. *The date of relieving of Dr.Kalpita is mentioned as 20.11.2022 however; the salary was disbursed and credited in the individual bank account till Feb 2023.*
8. *The date of relieving of Dr. Shobha submitted by the applicant is 30.07.2023, however, as per the relieving letter date of relieving is 30.06.2023.*



9. Degree certificates are not submitted for the following faculties.

- 1) Dr. Shivakumar (DMS) UG & PG
- 2) Dr.Lokesh Hiremath (Consultant ST)- UG & PG
- 3) Dr Deepwall (Consultant PTSR)-UG & PG
- 4) Dr.Shrikant P (Consultant KB) UG & PG
- 5) Dr Pratibharaj (RMO)-UG
- 6) Dr.Lokesh .H (RMO) UG
- 7) Dr.Nagajyothi (RMO)- UG
- 8) Dr.Shivanand (RMO)- UG
- 9) Dr. Umme Hani (RMO)- UG
- 10) Dr Adarsh (RMO)-UG

10. The deficiency observed in the salary details submitted by you is as follows:-

Designation Name	Name	Date of Joining/ Date of Relieving	Salary Disbursement statement submitted	Deficiency in the salary disbursement	Individual Salary Statement Submitted	Deficiency in the Individual Salary Statement Submitted	Remarks
RMO No.05	Dr.Princy Prabhu	DOJ-01.12.2022 DOR-01.12.2023	Dec 2022 to Sep 2023 (Canara Bank)	14 Months	Dec 2022 to Sep 2023 (Canara Bank)	14 Months	Salary Disbursement statement submitted for 10 months and individual salary credited statement submitted for 10 months
EMO No.02	Dr.Mahesh Patil	DOJ-07.01.2020 DOR-30.10.2022	Oct 2021 to Oct 2022	11 Months	Oct 2021 to Oct 2022	11 Months	Salary Disbursement statement submitted for 10 months and individual salary



							credited statement submitted for 13 months
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- a) *Salary Disbursement statement showing the breakup of payment made to individual accounts for the post of 'RMO no.05 & EMO no.02 along with the bank statement of Institute indicating clear details regarding the amount transfer to the employee of your institute/Hospital for the deficient period within Oct-2021 to Sept-2023.*
- b) *Individual salary paid bank statement of the RMO no.05 & EMO no.02 for the deficient period within Oct-2021 to Sept-2023 in hierarchical and chronological order and according to the format enclosed with the letter.*

Thereafter, the scrutinization report was placed in the placed in the 90th Board Meeting of Medical Assessment and Rating Board for Indian System of Medicine, NCISM on 17.05.2024. On careful examination of the scrutinization report, Board discussed the same and decided to provide an opportunity of hearing to your proposed college.

Therefore, you are hereby given an opportunity of hearing on 31.05.2024 to appear before the designated Hearing Committee as appointed by President, Medical Assessment and Rating Board, NCISM and present your case and clarify the above position and to show cause as to why not your application/scheme vide ref. no



46/PAMCH/2024-25, dated 25.01.2024 to establish a new Ayurveda Medical college in the name of SNGO's Prayavi Ayurvedic Medical College, Hospital & Research Centre, Plot No 68 Kladb Area, Bangalore Road, Kolhar(K), Bidar-585402, Karnataka with 60 seats in UG (BAMS) course, for the academic session 2024-25 under section 29 of NCISM Act, 2020 be rejected.

9. The respondent No.1 then submitted a clarification vide its letter dated 30.05.2024 and 31.05.2024. Having regard to the fact that the respondent No.1 did not rectify the defects pointed out, the appellant No.1 passed an order dated 17.07.2024 disapproving the application of the respondent No.1 for the following reasons:

"Further, the matter was placed in the 93rd Board meeting of Medical Assessment and Rating Board for Indian System of Medicine (NCISM) dated 13.06.2024 & 14.06.2024. The Board observed that the proposed college is not fulfilling the basic criteria as per "the Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity by a Medical College Regulations, 2019, the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016" and provisions under the NCISM Act, 2020 and relevant Regulations there under due to the following reasons:-



(i) Shortcoming: *The Board was in receipt of a letter vide ref. no. nil dated 04.05.2024, from the Manager, Canara Bank, Bhigwan Branch, Maharashtra (CNRB0006412) stating that, the submitted bank salary statement of Dr. Nitin HanumantRaut, Consultant Kaumarabhritya is not genuine.*

Submission of the College: *The college submitted a letter from the bank in regard to genuinity and operational status of Dr Nitin Raut.*

Observation of the Hearing Committee: *The Hearing Committee observed that the submitted statement is fabricated. The Chairman of the Trust agreed for manipulating the statement of the bank and he showed the letter of apology on the screen during the hearing.*

Post Hearing Submission- *College has submitted the apology letter from the Chairman, for submitting the fabricated statement of Dr Raut and the Bank. However, the Committee has not considered this submission since the proposed college has tried to misguide NCISM.*

Hence, the submitted individual salary statement is forged with intent to deceive the Board/Commission. This also disproves the functionality of an existing Ayurveda hospital as required under regulation 10(a) (i) of MSR 2016.

(ii) Shortcoming : *In the submitted true copy of the Building plan in last compliance report, the name of*



the institution and the survey numbers are printed; while the same submitted with first compliance report the name of the institution and the survey numbers are handwritten and without date of approval. On verification of the building plan It was observed that, the date under the signature of ER. Pramod Hatker (Natkar Construction and consultancy services) is 14.06.2018 which was deficient in the previously submitted plan.

Submission of the College: *Building plan of College and Hospital with survey number was submitted in printed format as clarification was sought for the same in the previous rectification letter as details were not legible and was handwritten.*

Observation of the Hearing Committee: *- Hearing committee verified the documents submitted by them and it was observed that the proposed college has made changes the building plan provided by them. Further, the Hearing Committee has not accepted the submission and observed changes like name of the institute and date of issue were added later in that shortcoming persists.*

Hence, the genuinity cannot be ascertained as the contents in the submitted document like the name of the institution and the survey numbers are different from that of the same documents submitted previously as compliance to the earlier rectification. The submitted document is forged with intent to deceive the Board/Commission.



(iii) Shortcoming: - Dr. Rudrayya Lonimath was shown as Medical Superintendent from 01.01.2020 to 27.08.2022 in Your proposed medical college. However, on verification of a different application for a new Ayurveda Medical college for the academic year 2024-25, it was observed that the same person was appointed as Medical Superintendent for the same period (05.09.2020 to 26.08.2022) in their hospital.

Submission of the College: - Working Authentication Letter was submitted by college.

Observation of the Hearing Committee: -The Hearing Committee observed that there is mismatch of signature in his resignation letter and the undertaking submitted by the proposed college. However the committee asked to submit the documents for his presence in their hospital during 01.01.2020 to 27.08.2022, as the same person was appointed as Medical Superintendent for the same period (05.09.2020 to 26.08.2022) in another hospital.

Post Hearing Submission-College did not submit any documents confirming his presence/attendance during the period.

Further, the College has appointed Dr Rudrayya Lonimath as the Medical Superintendent and he is a post graduate in Ayurveda as per documents provided by the College. However, as per MSR 2016, the Medical Superintendent should have qualification



of Professor and Dr Rudrayya Lonimath does not have the experience of Professor. Hence Dr Rudrayya Lonimath is not considered as a regular staff of the Hospital let alone for the post of Medical Superintendent.

Hence, this disproves the genuinity of appointment to the post of Medical Superintendent in the hospital which is a mandatory requirement for its functionality. This further disproves the functionality of a two years existing Ayurveda hospital as per regulation ion 10, (a), (i) of MSR 2016 as the forged of the Medical Superintendent is with malafide intent to deceive the Board/Commission.

(iv) Shortcoming: - *Joining letters are not signed by the faculty except the following.*

- 1) Dr. Y Sharada (Consultant SK)*
- 2) Dr. Prathibharaj (RMO)*
- 3) Dr. Aishwarya (RMO),*
- 4) Dr. Ummehani (RMO)*
- 5) DrAdrash (RMO)*

Submission of the College: - *Principal stated that they Signed all joining letters.*

Observation of the Hearing Committee: *Hearing committee observed that all these copies are signed recently after hearing letter issued to college. Hearing committee also observed that many consultants got reliving letter and experience certificate on plain paper and even no outward letter reference number. The*



Committee further observed that the joining letters of the following staffs were not signed by the faculty.

- 1. Dr. Shrikant (Consultant KV)*
- 2. Dr. NitianRaut(Consultant KV)*
- 3. Dr. PrincyParbhu (RMO)*
- 4. Dr. Divya (RMO)*
- 5. Dr. Nagajyothi (RMO)*
- 6. Dr. Lokesh .H (RMO)*
- 7. Dr. Pooja Shree(RMO)*
- 8. Dr. Rashmi*
- 9. Dr. Bhavana*
- 10. Dr. Megha*
- 11. Dr. Shivanand*
- 12. Dr. Umme Hani*
- 13. Dr. Rajkumar (MS)*
- 14. Dr. Shivkumar (BMS)*
- 15. DR. VishwannathPatil (Consultant KC)*
- 16. Dr. Shruti J (Consultant KC)*
- 17. Dr. Suhsina (Consultant PK)*
- 18. Dr. Vishal K Swamy (Consultant PK)*

Hence, this disproves the genuinity of appointment of the aforementioned staffs in the hospital which is a mandatory requirement for its functionality. This further disproves the functionality of a two years existing Ayurveda hospital as per regulation 10, (a), (1) of MSR 2016 as the joining letters submitted were either signed by the respective staffs only after the date of issue of the hearing letter or were not signed by the respective staffs at all.



(v)Shortcoming: - Degree certificates are not submitted for the following Faculties.

- 1) Dr. Shivakumar (DMS)- UG & PG
- 2) Dr. Lokesh Hiremath (Consultant ST)- UG & PG
- 3) Dr. Deepwali (Consultant PTSR)- UG & PG
- 4) Dr. Shrikant. P (Consultant KB)- UG & PG
- 5) Dr. Pratibharaj (RMO)- UG
- 6) Dr. Lokesh .H (RMO)- UG
- 7) Dr. Nagajyothi (RMO)- UG
- 8) Dr. Shivanand (RMO)- UG
- 9) Dr. Umme Hani (RMO)- UG
- 10) Dr. Adarsh (RMO)-UG

Submission of the College: Principal stated that they have provided the registration certificates as the files containing these documents has been misplaced.

Observation of the Hearing Committee: - The Committee observed that all these are registration certificates not U.G.and P.G degree certificates, Further, the committee asked to submit the documents which are available with college.

Post Hearing Submission.- College has submitted degree certificates and provisional certificates of the employees as mentioned in table except Dr. Lokesh and Dr.Shrikant. The PG degree certificate of Dr Deepawali is not submitted.

Hence, the deficiency of PG certificates of Dr. Shrikant (Consultant in Kaumarabhritya) and Dr Deepawali (Consultant in Prasuti Tantra & Stri Roga) leads to doubt in fulfillment of their corresponding



posts in the hospital. This further disproves the functionality of a two years existing Ayurveda hospital as per regulation 10, (a), (i) of MSR 2016 as the PG qualification of the aforementioned faculties could not be ascertained.

(vi) Shortcoming: *Individual salary paid bank statement of the RMO no.05 & EMO no.02 for the deficient period within Oct-2021 to Sept 2023 in hierarchical and chronological order and according to the format enclosed with the letter.*

Submission of the College: *The College submitted the bank details of Dr. Shivkumar in addition to Dr. Princy Prabhu for 14 months from Oct-2021 to Nov - 2022.*

Observation of the Hearing Committee: *Documents were verified by the Committee and the Committee observed that there is a deficiency of 14 months in salary disbursement statement and individual salary credit statement for the post of RMO no.05. Hence short coming persists.*

Hence, the deficiency of the above mentioned post (RMO no. 5) falls short in fulfilling the functionality of a two years existing Ayurveda hospital as per regulation 10,(a), (I) of MSR 2016 as 05 RMOS are required for a hospital attached to a proposed Ayurveda medical college applying for 60 seats in UG BAMS course while the hospital is not fulfilling the same.



8. *Further, in the view of the above points, the proposed college has forged documents with malafide intent to deceive the Board/Commission and also has failed to prove the existence of a fully functional and fully developed existing Ayurveda hospital as per regulation 10,(a), (i) of MSR 2016, wherein it is stated that "at the time of submission of application, there shall be a fully developed hospital building as specified in the regulations 4 and 5 with functional Ayurveda hospital prior to two years from the date of application, having appropriate number of beds, bed occupancy and Out-Patient Department attendance corresponding to the annual students intake capacity as specified in the sub-regulation (2) of regulation 7".*
9. *Therefore, in view of shortcomings and deficiencies mentioned above and the position explained in the above paras, and on the basis of the submissions made by the proposed college during hearing and after examining of all other documents submitted by the proposed college during hearing, it is found that the proposed college is not meeting the minimum requirements as per the relevant acts & regulations and could not provide enough evidence to substantiate the claim to prove the existence of a fully functional hospital as mentioned in the regulation 10 (a) (i) MSR-2016. Hence the Board decided to disapprove the application/scheme to establish new Ayurveda Medical College in the name of SNGO's Prayavi Ayurvedic Medical College, Hospital & Research Centre,*



10. Hence, your application vide ref. no46/PAMCH/2024-25, dated 25.01.2024 received from the Chairman, Surabhi NGO Welfare Organization, Plot No. 6B Kiadb Area, Bangalore Road, Kolhar(K) Bidar-585402, Karnataka, to establish a new Ayurveda Medical College in the name of SNGO's Prayavi Ayurvedic Medical College, Hospital & Research Centre, Plot No 6B Kiadb Area, Bangalore Road, Kolhar(K), Bidar-585402, Karnataka, with 60 seats in UG (BAMS) course under section 29 of NCISM Act 2020, from the academic session 2024-25, cannot be considered, as you have failed to submit the necessary documents to fulfil the basic criteria as per "the Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity by a Medical College Regulations, 2019, the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016" and provisions under the NCISM Act, 2020 and relevant Regulations there under. Therefore, the aforementioned proposal is hereby disapproved.

11. However, concerned Act does not prevent any person or medical college whose scheme (application/s) has not been approved by the Medical Assessment and Rating Board to submit a fresh scheme for the permission of Medical Assessment and Rating Board in subsequent year in accordance with the schedule prescribed for receipt and processing of the



applications under concerned Regulation. Hence, the applicant college may apply afresh."

10. The respondent No.1 then submitted another letter dated 25.07.2024 and 05.08.2024, furnishing clarifications for the defects pointed out. In the meanwhile, an appeal filed by the respondent No.1 was considered for intake capacity of 60 seats from the academic session 2024-2025 was considered by respondent No.1 and rejected in terms of an order dated 19.08.2024. Thereafter, a second appeal was filed against the order of the dismissal of the first appeal before the Central Government, which too was dismissed in terms of an order dated 14.11.2024. It is against the above said orders that the respondent No.1 approached this Court in the writ petition mentioned above.

11. A perusal of the defects pointed out would go to show that the defects were not too serious in nature, but were formal. Having regard to the fact that respondent No.1 has the required building and other infrastructure, it would be inequitable and inappropriate to reject the application of the respondent No.1 for establishment of a new Ayurvedic College. It would be equitable to



grant an opportunity to the respondent No.1 to clarify all the defects pointed out by the appellant Nos.1 and 2 and if the appellants are satisfied about the clarification, the appellants may then inspect the institution established by respondent No.1 and may they thereafter take necessary steps in accordance with law. It is made clear that if respondent No.1 does not utilize this opportunity and furnish all required documents to the satisfaction of the appellants, the respondent No.1 shall not be entitled to make any further admissions for the upcoming academic years.

12. In view of the above, the following order is passed:

ORDER

- i. The writ appeal is ***dismissed***;
- ii. The respondent No.1 is granted a final opportunity to satisfy the deficiencies pointed out by the appellants within a month from the date of the receipt of a copy of this order.
- iii. It is made clear that if the appellants are satisfied with the explanation offered by the respondent No.1, they may then conduct an inspection in accordance



with law. It is made clear that if the respondent No.1 does not avail this opportunity and satisfy the deficiencies pointed out by the appellants. The respondent No.1 shall not admit any students for the next academic year.

- iv. It is also made clear that this order is passed in the peculiar facts and circumstances of this case and shall not be treated as a precedent.

**Sd/-
(R.NATARAJ)
JUDGE**

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**