



CGHC010410802026



2026:CGHC:44438

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5296 of 2026

1 - Bharti Ayurved Medical College And Hospital Pulgaon Chowk Durg Through Its Authorized Officer, Amiya Bhonsle S/o Pradeep Bhonsle, Aged About 41 Years, R/o Zone-3, Street 8 A, New Adarsh Nagar, Durg, (C.G.)

... Petitioner

Versus

1 - Union of India Through Secretary, Ministry Of Ayush Office At Ayush Bhawan, B Block, G.P.O. Complex, I.N.A. New Delhi.

2 - The Chairman National Commission For Indian System Of Medicine, Office At T-19, 1st And 2nd Floor, Block 4, Dhanvantri Bhawan, Road No. 66, Punjabi Bagh (West) New Delhi.

3 - The President Medical Assessment And Rating Board For Indian System Of Medicine (Marbism) National Commission For Indian System Of Medicine Office At T-19, 1st And 2nd Floor, Block 4, Dhanvantri Bhawan, Road No. 66, Punjabi Bagh (West) New Delhi.

4 - Secretary Department of Health And Welfare, State Of C.G. Directorate Block, Swasthya Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.

5 - The Director Directorate of Ayush, 3rd Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, Raipur, Chhattisgarh.

6 - The Registrar Pt. Deendayal Upadhyay Memorial Health Science And Ayush University, Raipur, Chhattisgarh.

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	: Mr. Prafull N. Bharat, Senior Advocate along with Mr. Akash Pandey, Advocate.
For Respondent No. 1	: Mr. Ramakant Mishra, Dy. Solicitor General.
For Respondents No. 2 & 3	: Mr. Vaibhav A. Goverdhan, Advocate.
For State/respondents No. 4 & 5	: Mr. Anand Dadariya, Dy. A.G.
For Respondent No. 6	: Mr. Sumit Verma, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

14.10.2026.

1. Heard Mr. Prafull N. Bharat, learned Senior Advocate along with Mr. Akash Pandey, Advocate for the petitioner, Mr. Ramankant Mishra, learned Dy. Solicitor General of India for respondent No. 1, Mr. Vaibhav A. Goverdhan, counsel for respondents No. 2 & 3, Mr. Anand Dadariya, Dy. G.A. for the State/respondents No. 4 & 5 and Mr. Sumit Verma, counsel for respondent No. 6.
2. By way of the present writ petition, the petitioner challenges the impugned order dated 02.07.2026 (Annexure P-1), whereby respondent No. 3, i.e., MARBISM, has decided to deny annual permission to the petitioner-college to admit 100 students to the Undergraduate (BAMS) Course for the academic year 2026–2027, in exercise of the powers conferred under Section 28(1)(c) of the NCISM Act, 2020, read with Regulations 71(2)(d) and 71(3)(e) of the MESAR Regulations, 2024.
3. The petitioner in the said writ petition is seeking for the following reliefs :-

10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ or order and to quash the

impugned order Annexure P-1 dtd. 02.07.2026 & dated 12.08.2026.

10.2 That, this Hon'ble Court may kindly be pleased to issue a suitable writ and direct the respondent authorities to allow the petitioner college to participate in the counselling and to further extend the permission for admissions in 100 seats of U.G. BAMS Course for session 2026-2027 in the interest of justice.

10.3 Any other relief deemed fit in the facts and circumstances of the case may also be granted."

4. Brief facts of the case as projected by the petitioner is that the petitioner, being the Vice-Principal and authorised representative of Bharti Ayurved Medical College and Hospital, Durg, run by Shri Jug Mahadev Education Society, has challenged the order dated 02.07.2026 passed by respondent No. 3, whereby annual permission to admit 100 students to the B.A.M.S. course for the academic session 2026–2027 was denied on the ground of non-cooperation during a surprise inspection conducted on 26.02.2026. It is contended that the petitioner-college, which has been granted permission to conduct the said course since the academic session 2016–2017, had submitted its compliance report on 01.12.2025, claiming to have rectified the previously identified deficiencies. However, the surprise inspection could not be conducted as the Principal was attending a pre-scheduled seminar and the inspection team's email was received shortly before its arrival. The petitioner submitted its explanation along with supporting documents, including proof of the Principal's

attendance at the seminar, but respondent No. 3, without conducting any further inspection or duly considering the explanation, denied annual permission vide the impugned order dated 02.07.2026. It is further contended that the petitioner's first appeal was rejected by respondent No. 2 vide order dated 12.08.2026 without proper consideration of the grounds raised, whereafter the petitioner preferred a second appeal before respondent No. 1 on 15.09.2026, which remains undecided. The petitioner submits that, despite the pendency of the second appeal, the counselling process for admission to the B.A.M.S. course is underway, and the denial of permission is causing serious prejudice to the institution and its prospective students. Accordingly, the petitioner has approached this Court seeking appropriate relief against the impugned order and the inaction of the appellate authority.

5. Learned counsel for the petitioner submits that, being aggrieved by the order dated 12.08.2026 passed by the First Appellate Authority, the petitioner-institution preferred a Second Appeal on 15.09.2026 (Annexure P-13), which remains undecided till date. He further submits that the First Appellate Authority rejected the appeal in a cursory manner without assigning any independent reasons and merely reiterated the findings recorded in the original order, thereby compelling the petitioner to prefer the Second Appeal. He next submits that the Central counselling proceeding is scheduled from 14.10.2026 to 23.10.2026, followed by the State

counselling proceeding from 24.10.2026 to 29.10.2026, and that, owing to the continued pendency of the Second Appeal, the petitioner-institution is unable to participate in the ensuing round of counselling. He, therefore, contends that any further delay in deciding the Second Appeal would defeat the very purpose of the appellate remedy and cause irreparable prejudice to the petitioner-institution.

6. Learned counsel for respondent No. 1/Union of India submits that the Second Appeal preferred by the petitioner shall be considered and decided expeditiously, preferably within a period of 15 days.
7. Per contra, learned counsel appearing for respondents No. 2 and 3 submits that the impugned orders have been passed after due consideration and are reasoned and speaking orders. He further submits that the matter is presently pending consideration before the Second Appellate Authority.
8. Learned counsel for the State/respondents No. 4 & 5 as well as counsel for respondent No. 6, jointly submits that they are formal parties to the present petition and no substantive relief has been sought against them. Learned State counsel further submits that the role of the State is confined to conducting the counselling process in accordance with the applicable rules and schedule.
9. Having heard learned counsel for the parties and upon perusal of the record, particularly the fact that the Second Appeal preferred by the petitioner-institution on 15.09.2026 has not yet been

decided despite the lapse of time and repeated reminders, this Court finds that the petitioner-institution is facing hardship in participating in the counselling process on account of the denial of annual permission, which is the subject matter of the pending appellate proceedings. The grievance of the petitioner is that, unless appropriate interim relief is granted, the very purpose of preferring the Second Appeal would be frustrated, as the counselling process would conclude before the Second Appellate Authority takes a decision on merits. At the same time, the petitioner fairly submits that its right to participate in the counselling process would remain subject to the final outcome of the Second Appeal. It is also noteworthy that learned counsel for respondent No. 1/Union of India has expressed no objection to permitting the petitioner-institution to participate in the counselling process, subject to appropriate conditions being imposed by this Court. In the considered opinion of this Court, in order to balance the competing interests and prevent the petitioner-institution from suffering prejudice solely on account of the pendency of the Second Appeal, it would be just and proper to permit the petitioner-institution to participate in the counselling process, subject to the final outcome of the second appeal.

10. Accordingly, the respondent authorities are directed to permit the petitioner-institution to participate in the Central counselling scheduled from 14.10.2026 to 23.10.2026, the State counselling scheduled from 24.10.2026 to 29.10.2026, and any subsequent

rounds of counselling, subject to the final outcome of the Second Appeal. However, it is made clear that such participation shall not confer any vested right upon the petitioner-institution to admit students or upon any student to claim admission in the institution. The petitioner-institution shall clearly apprise the students concerned that the matter is pending consideration before the Second Appellate Authority and that their participation in the counselling process shall remain subject to the final decision in the Second Appeal. The Central and State counselling authorities shall also be at liberty to bring this fact to the notice of the students at the time of counselling.

11. In the event the petitioner-institution seeks to grant admission to any student pursuant to the counselling process, it shall be at liberty to approach this Court by filing an appropriate application seeking necessary permission, and no such admission shall be claimed as a matter of right merely on the basis of the permission granted herein to participate in the counselling process.
12. With this observation and direction, the writ petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge