

*Via video conferencing*

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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C) 2783/2022

SHRI DHANWANTRI AYURVEDIC MEDICAL COLLEGE AND  
RESEARCH CENTRE ..... Petitioner

Through Mr.Sandeep Sethi, Sr.Adv. with  
Mr.Avneesh Arputham & Ms.Shravani Shekhar,  
Advs.

versus

UNION OF INDIA AND OTHERS ..... Respondent

Through Mr.Vivek Goyal, CGSC with Mr.Jatin  
Puniyani, GP for R-1  
Ms.Archana Pathak Dave, Mr.Parmod Kumar  
Vishnoi & Mr.Avnish Dave, Advs. for R-2 & 3.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**14.02.2022**

**CM APPL.8022/2022**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 2783/2022 & CM APPL.8021/2022(interim relief)**

3. The petitioner has approached this Court seeking a direction to the respondents to permit the petitioner to participate in the ongoing counselling for admission to the UG & PG courses in Ayurveda for the academic year 2021-22, till its second appeal stated to be pending before the respondent no.1, is decided.
4. Issue notice. Learned counsel for respondent nos.1, 2 & 3 accept notice. Keeping in view the nature of relief being sought by the petitioner, no notice is required to be issued to respondent nos. 4 and 5.

5. Learned counsel for the respondent no.1 submits that the petitioner's pending appeal is likely to be decided by the respondent no.1 within one week and therefore, prays that the petitioner ought not to be permitted to participate in the ongoing counselling till its appeal is decided.
6. On the other hand, learned senior counsel for the petitioner submits that any further delay in deciding the petitioner's pending appeal is likely to cause grave and irreparable hardship to the petitioner as the counselling for the aforesaid courses has already commenced today. Even if the petitioner succeeds in its pending appeal, it may be able to participate only in the subsequent rounds of counselling but will have to forego its chance of participating in the first round of counselling, which is the most crucial round.
7. He further submits that the denial order as also the first appellate order have been passed by the respondents without even referring to the detailed submissions made by the petitioner and therefore, prays that the petitioner college, which stands recognized since 2013, may, subject to the outcome of the appeal, be permitted to participate in the counselling which has commenced today.
8. Having considered the submissions of learned counsel for the parties, I find merit in the petitioner's plea that the denial order passed on 17.12.2021 does not consider any of the submissions made by the petitioner. In fact, the same appears to have been passed only on the basis of the observations of the inspection Committee, which the petitioner vehemently disputes.
9. The petitioner is a college running for almost last 9 years and its appeal is yet to be decided by the respondent no.1. I may also take notice of

the peculiar circumstances which are existing as on date on account of the Covid-19 pandemic, where a number of hospitals may not have been running to their optimal capacity.

10. It would therefore be in the interest of justice to permit the petitioner to participate in the ongoing counselling. The same would, however, be subject to any order passed in the petitioner's pending appeal. The petitioner will issue a notice on its website that its participation in the counselling would be subject to the outcome of its pending appeal. It is further made clear that no special equities will be created in favour of the petitioner on account of this order.
11. Needless to state, in case the petitioner is aggrieved by any order passed by the respondent no. 1, it will be open for it to take legal recourse, as permissible in law
12. The writ petition is, accordingly, disposed of.

**FEBRUARY 14, 2022**

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**REKHA PALLI, J**