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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

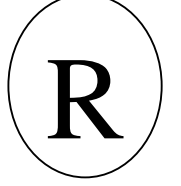
DATED THIS THE 22<sup>ND</sup> DAY OF FEBRUARY, 2024

PRESENT

THE HON'BLE MR. P.S. DINESH KUMAR, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE T.G. SHIVASHANKARE GOWDA



**WRIT PETITION NO. 28897 OF 2023**

**C/W**

**WRIT PETITION NO. 27566 OF 2023 (EDN-RES)**

**W.P. No. 28897/2023**

**BETWEEN:**

- 1 . ACHUTHA AYURVEDA MEDICAL COLLEGE  
HOSPITAL AND RESEARCH CENTRE  
GOPALAPURA, BAGLUR POST  
BANGALORE-562 149.  
ITS PRINCIPAL  
DR. MANJUNATH PUJERI  
S/O SIDDAPPA  
AGED ABOUT 40 YEARS  
R/O BENGALURU.
- 2 . SPOORTHI AYURVEDIC MEDICAL COLLEGE  
GANGAVATI  
REPRESENTED BY ITS PRINCIPAL  
DR. UMESH PURAD  
S/O VERABADRAPPA PURAD  
AGED ABOUT 60 YEARS  
R/O GANGAVATI, TALUK GANGAVATI  
DISTRICT KOPPAL-583 231.
- 3 . RGE SOCIETY'S ATHARVA  
AYURVEDA MEDICAL COLLEGE  
AND HOSPITAL

- DHARWAD-11.  
IT'S PRINCIPAL  
DR. RAJANISH METI  
S/O SANGAPPA B. METI  
AGED ABOUT 46 YEARS  
R/O DHARWAD  
TALUK AND DISTRICT DHARWAD-580 001.
- 4 . TAPOVANA AYURVEDIC MEDICAL  
COLLEGE AND HOSPITAL  
DODDABATHI  
DAVANAGER-577 566.  
ITS PRINCIPAL  
DR. MAHANTESH .P.M  
AGED ABOUT 43 YEARS  
R/O DAVANAGERE  
DISTRICT DAVANAGERE.
- 5 . SRI. RAGAVENDRA AYURVEDA  
MEDICAL COLLEGE AND HOSPITAL  
MALLADIHALLI  
TALUK HOLALKERE  
DISTRICT CHITRADURGA  
IT'S SECRETARY  
DR. SRIPATHI N.E.  
S/O. ESHWARAPPA .N.G  
AGED ABOUT 44 YEARS  
R/O MALLADIHALLI, TALUK HOLALKERE  
DISTRICT CHITRADURGA-577 501.
- 6 . SMT. RAJESHWARI KARPURMATH  
MEMORIAL (RKM) AYURVED MEDICAL COLLEGE  
VIJAYAPUR  
IT'S PRINCIPAL  
DR. N. M. RUDRAGOUDAR  
AGED ABOUT 64 YEARS  
R/O VIJAYAPUR  
DISTRICT VIJAYAPUR-586 101.
- 7 . ASHWINI AYURVEDI MEDICAL  
COLLEGE AND PG CENTRE  
DAVANAGERE.  
IT'S PRINCIPAL  
DR. GNANESWARA .L .M

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S/O L.M. PALAKSHAIHAH  
AGED ABOUT 43 YEARS  
R/O DAVANGERE  
DISTRICT DAVANGERE-577 566.

- 8 . AMRUTHA AYURVEDA MEDICAL  
COLLEGE AND HOSPITAL  
CHITRADURGA  
ITS PRINCIPAL  
DR. PRASHANTH .M.S  
AGED ABOUT 41 YEARS  
R/O CHITRADURGA  
DISTRICT CHITRADURGA-677 501.
- 9 . SHRI SHIVAYOGESWAR RURAL  
AYURVEDIC MEDICAL COLLEGE  
AND HOSPITAL, INCHAL  
TALUK BAILHONGAL  
DISTRICT BELAGAVI  
IT'S PRINCIPAL  
DR. VINAY MOHAN GAJULA  
S/O PANDU RANGA VITHAL  
AGED ABOUT 49 YEARS  
R/O BAILHONGAL  
DISTRICT BELAGAVI-590 001.
- 10 . SWAMY VIVEKANAND AYURVEDIC  
MEDICAL COLLEGE AND HOSPITAL  
KESARATTI, LINGASGUR  
DISTRICT RAICHUR  
IT'S PRINCIPAL  
DR. RAJASHEKHAR .H  
AGED ABOUT 45 YEARS  
R/O RAICHUR  
DISTRICT RAICHUR-584 101.
- 11 . KPSVS AYURVEDIC MEDICAL  
COLLEGE AND HOSPITAL, MANVI  
IT'S PRINCIPAL  
DR. JEEVANESHWARAYYA  
S/O SHARANAYYA SWAMY  
AGED ABOUT 46 YEARS  
R/O MANVI, TALUK MANVI  
DISTRICT RAICHUR-584 101.

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- 12 . SHRI KALIDAS AYURVEDIC MEDICAL  
COLLEGE AND HOSPITAL, BADAMI  
IT'S PRINCIPAL  
DR. VEERENDRA HATTI  
S/O BASAVARAJ  
AGED ABOUT 44 YEARS  
R/O GULEDGUDD, TALUK BADAMI  
DISTRICT BAGALKOT-587 101.
- 13 . DR. RAVI PATIL AYURVEDIC MEDICAL  
COLLEGE HOSPITAL AND RESEARCH CENTRE  
HONAGA, BELAGAVI  
BY ITS PRINCIPAL  
DR. KIRAN MURIGEPPA KHOT  
R/O VIDHISHA RESIDENCY  
FLAT NO. 104, NEAR SAI MANDIR SRI NAGAR  
BELAGAVI 16.
- 14 . NEELGANGA AYURVEDIC MEDICAL  
COLLEGE HOSPITAL AND RESEARCH CENTRE  
YERBHAG, BASAVAKALYAN  
IT'S PRINCIPAL  
DR. ANITA SOMSHEKAR MAHAJAN  
AGED ABOUT 42 YEARS  
R/O SHANTA SOMSHEKAR MAHAJAN CAMPUS  
YERBHAG TALUK, BASAVAKALYAN  
DISTRICT BIDAR-585 401.
- 15 . SHRI. VIJAY MAHANTESH AYURVEDIC  
MEDICAL COLLEGE, ILKAL  
IT'S PRINCIPAL  
DR. KESHAB CHANDRA DAS  
S/O KAPIL CHARAN DAS  
AGED ABOUT 57 YEARS  
ILKAL, TALUK HUNGUND  
DISTRICT BAGALKOT-587 125.
- 16 . KARNATAKA AYURVEDA MEDICAL  
COLLEGE, MANGALURU  
IT'S PRINCIPAL  
DR. RAVI RAO .S  
S/O SORAKE VISHNU RAO  
AGED ABOUT 48 YEARS

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R/O MANGALURU  
DISTRICT MANGALORE-575 001.

- 17 . SAMATA AYURVEDIC MEDICAL  
COLLEGE AND HOSPITAL, ALAND  
DISTRICT KALBURGI  
IT'S PRINCIPAL  
DR. NEETA SHRINIVAS DESHMUKH  
D/O VISHNUPANT DESHMUKH  
AGED ABOUT 55 YEARS  
R/O KALBURGI  
DISTRICT KALBURGI-585 101.
- 18 . AGM AYURVEDIC MEDICAL  
COLLEGE AND HOSPITAL  
ALAGUR RC BIJAPUR ROAD  
JAMAKHANDI.  
IT'S PRINCIPAL  
DR. PRAVEEN V. PATIL  
AGED ABOUT 47 YEARS  
R/O JAMKHANDI  
DISTRICT BAGALKOT-587 125.
- 19 . BVVS AYURVED MEDICAL  
COLLEGE AND HOSPITAL, BAGALKOT  
IT'S PRINCIPAL  
DR. MAHANTESH M. SALIMATH  
S/O MADIVALAYYA V. SALIMATH  
AGED ABOUT 50 YEARS  
R/O BAGALKOT  
DISTRICT BAGALKOT-587 125.
- 20 . BNM RURAL AYURVEDA COLLEGE  
VIJAYAPUR  
IT'S PRINCIPAL  
DR. J.C. HUDDAR  
AGED ABOUT 55 YEARS  
R/O VIJAYAPUR  
DISTRICT VIJAYAPURA-586 101.
- 21 . TMAES AYURVEDIC MEDICAL COLLEGE  
HOSPET-583 201.  
IT'S PRINCIPAL  
DR. L. MANONMANI

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S/O T.A. LAKSHMI NARASIMHA MURTHY  
AGED ABOUT 55 YEARS  
R/O HOSAPETE, TALUK HOSAPETE  
DISTRICT VIJAYANAGAR.

22 . POORNIMA AYURVEDIC MEDICAL  
COLLEGE HOSPITAL AND RESEARCH CENTER  
RAICHUR.  
ITS PRINCIPAL  
DR. CHANDRASHEKHARA RADDI  
S/O SHIVARADDEPPA KARAMUDI  
AGED ABOUT 50 YEARS  
R/O RAICHUR  
DISTRICT RAICHUR-584 101.

23 . SUSHRUTHA INSTITUTE OF  
AYURVEDA MEDICAL SCIENCES  
AND RESEARCH CENTRE  
DAVANGERE.  
IT'S PRINCIPAL  
DR. AKBAR KHAN .K.H  
S/O HYDER ALI KHAN .K  
AGED ABOUT 50 YEARS  
R/O DAVANGERE  
DISTRICT DAVANGERE-577 566.

...PETITIONERS

(BY SHRI. G.S. KANNUR, SENIOR ADVOCATE FOR  
SHRI. GURUDEV I. GACHCHINAMATH, ADVOCATE)

**AND:**

- 1 . THE UNION OF INDIA  
SECRETARY TO THE GOVERNMENT OF  
MINISTRY OF HEALTH AND FAMILY WELFARE  
(DEPARTMENT OF AYURVEDIC YOGA  
AND NATUROPATHY, UNANI,  
SIDDA AND HOMEOPATHY), (AYUSH)  
IRCS BUILDING NO.1, RED CROSS ROAD  
NEW DELHI-01.
- 2 . THE CHAIRPERSON  
NATIONAL COMMISSION FOR  
INDIAN SYSTEM OF MEDICINE  
MINISTRY OF AYUSH

GOVERNMENT OF INDIA  
NO. 61-65, INSTITUTIONAL AREA  
JANAKAPURI, D-BLOCK  
NEW DELHI-110 058.

3 . NATIONAL COMMISSION FOR  
INDIAN SYSTEM OF MEDICINE  
MINISTRY OF AYUSH  
GOVERNMENT OF INDIA  
NO. 61-65, INSTITUTIONAL AREA  
JANAKAPURI, D-BLOCK  
NEW DELHI-110 058.  
REPRESENTED BY ITS SECRETARY.

4 . THE PRESIDENT  
MEDICAL ASSESSMENT AND  
RATING BOARD FOR INDIAN  
SYSTEM OF MEDICINE  
NO. 61-65, INSTITUTIONAL AREA  
JANAKAPURI, D-BLOCK  
NEW DELHI-110 058.

5 . THE RAJIV GANDHI UNIVERSITY  
OF HEALTH SCIENCES, KARNATAKA  
4<sup>TH</sup> BLOCK, JAYANAGAR  
BANGALORE-560 011.  
REPRESENTED BY ITS REGISTRAR.

6 . THE KARNATAKA EXAMINATION AUTHORITY  
18<sup>TH</sup> CROSS, SAMPIGE ROAD  
MALLESHWARAM-560 020.  
REPRESENTED BY ITS  
EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SHRI. SHANTHI BHUSHAN, DSGI FOR R1;  
SMT. MANASI KUMAR, ADVOCATE FOR R2 TO R4;  
SHRI. B.S. SACHIN, ADVOCATE FOR R5;  
SHRI. N.K. RAMESH, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227  
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF  
MANDAMUS DIRECTING THE RESPONDENTS TO EXTEND THE DATE OF  
ADMISSION AND CONDUCT SUFFICIENT UNDER OF COUNSELLING  
ROUNDS FOR ENABLING THE PETITIONERS-INSTITUTIONS TO FILL

THE UNFILLED SEATS FOR THE ACADEMIC YEAR 2023-24 IN RESPECT  
OF BAMS (UG) COURSES AND ETC.

**W.P. No. 27566/2023**

**BETWEEN:**

1. HITA AYURVEDIC MEDICAL COLLEGE  
HOSPITAL AND RESEARCH CENTRE  
AN INSTITUTION SPONSORED AND  
MANAGED BY KSHATHRIYA EDUCATIONAL TRUST  
NO. 64, DODDABIDARUKALLU  
YESHWANTHAPURA HOBILI  
GANGONDANAHALLI MAIN ROAD  
NAGASANDRA POST  
BENGALURU-560 073.  
REP. BY ITS CHAIRMAN  
DR. SEETHARAMAIAH .R  
S/O RAMAIAH, AGE: 32 YEARS
2. S.A. NINGOJI AYURVEDIC MEDICAL COLLEGE,  
HOSPITAL AND RESEARCH CENTRE  
AN INSTITUTION SPONSORED AND MANAGED BY  
NINGOJI EDUCATIONAL AND RURAL  
DEVELOPMENT TRUST  
DADEGAL – KOPPAL – 583 231.  
REP. BY ITS CHAIRMAN  
MR. SHASHIKANT  
S/O ANDONAPPA NINGAJI, AGE: 52 YEARS
3. RAJASHEKARAIHAH INSTITUTE OF AYURVEDA  
MEDICAL SCIENCES AND HOSPITAL  
AN INSTITUTION SPONSORED AND MANAGED BY  
RAJASHEKARAIHAH EDUCATIONAL AND CHARITABLE  
TRUST, NO. 75, SOLUR VILLAGE, MAGADI  
RAMANAGARA-562 127.  
REP. BY ITS PRINCIPAL  
DR. SANKANAGOUD PATIL  
S/O MAHESHWARAGOUDA PATIL  
AGE: 40 YEARS

...PETITIONERS

(BY SHRI. MADHUSUDAN NAIK, SENIOR ADVOCATE FOR  
SHRI. ABHISHEK MALIPATIL, ADVOCATE)



**AND:**

- 1 . NATIONAL COMMISSION FOR  
INDIAN SYSTEM OF MEDICINE  
JAWAHARLAL NEHRU BHARTIYA CHIKITSA  
AVAM HOMEOPATHY ANUSANDHAN BHAWAN  
NO. 61-65, INSTITUTIONAL AREA  
JANAKPURI D-BLOCK  
NEW DELHI-110 058.  
REPRESENTED BY ITS SECRETARY.
2. MEDICAL ASSESSMENT AND RATING BOARD  
NATIONAL COMMISSION FOR  
INDIAN SYSTEM OF MEDICINE  
JAWAHARLAL NEHRU BHARTIYA CHIKITSA  
AVAM HOMEOPATHY ANUSANDHAN BHAWAN  
NO. 61-65, INSTITUTIONAL AREA  
JANAKPURI D-BLOCK  
NEW DELHI-110 058.  
REPRESENTED BY ITS PRESIDENT.
3. BOARD OF AYURVEDA  
NATIONAL COMMISSION FOR  
INDIAN SYSTEM OF MEDICINE  
JAWAHARLAL NEHRU BHARTIYA CHIKITSA  
AVAM HOMEOPATHY ANUSANDHAN BHAWAN  
NO. 61-65, INSTITUTIONAL AREA  
JANAKPURI D-BLOCK  
NEW DELHI-110 058.  
REPRESENTED BY ITS PRESIDENT
- 4 . THE UNION OF INDIA  
MINISTRY OF AYURVEDA, YOGA AND NATUROPATHY  
UNION SIDDHA AND HOMOEOPATHY [AYUSH]  
'AYUSH BHAWAN', B BLOCK  
G.P.O COMPLEX, INA  
NEW DELHI-110 023.  
REPRESENTED BY ITS  
SECRETARY/SPECIAL SECRETARY
5. THE STATE OF KARNATAKA  
HEALTH AND FAMILY WELFARE DEPARTMENT  
DIRECTORATE OF AYUSH  
M.S. BUILDING  
DR. AMBEDKAR VEEDHI

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BENGALURU-560 001.  
REPRESENTED BY ITS SECRETARY

6 . KARNATAKA EXAMINATIONS AUTHORITY  
18<sup>TH</sup> CROSS, SAMPIGE ROAD  
MALLESHWARAM  
BENGALURU-560 012.  
REPRESENTED BY ITS  
EXECUTIVE DIRECTOR.

7 . THE RAJIV GANDHI UNIVERSITY  
OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR  
BENGALURU-560 041.  
REPRESENTED BY ITS REGISTRAR.

...RESPONDENTS

(BY SMT. MANASI KUMAR, ADVOCATE FOR R1 TO R3;  
SHRI. SHANTHI BHUSHAN, DSGI FOR R4;  
SHRI. SUDEV HEGDE, AGA FOR R5;  
SHRI. B.S. SACHIN, ADVOCATE FOR R5;  
SHRI. N.K. RAMESH, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DECLARING THAT THE PETITIONER INSTITUTIONS BEING GRANTED LETTER OF PERMISSIONS-LOPs BELATEDLY ARE ENTITLED FOR THE EXTENSIONS OF THE DEADLINE FOR GRANT OF ADMISSIONS TO THE UG BAMS COURSES FOR THE ACADEMIC YEAR 2023-24 AND ETC.

THESE WRIT PETITIONS, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 30.01.2024, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, **CHIEF JUSTICE**, PRONOUNCED THE FOLLOWING:-

**ORDER**

Writ Petition No.27566 of 2023 has been filed with following prayers:

- (i) *Issue a Writ in the nature of mandamus or any other appropriate Writ or order or Direction, declaring that the petitioner institutions being granted Letter of Permissions – LOPs belatedly are entitled for the extensions of the deadline for grant of admissions to the UG BAMS Courses for the academic year 2023-24; and*
- (ii) *Issue a Writ in the nature of Mandamus or any other appropriate Writ or Order or Direction, directing the Respondents No.1 to 3 to grant extension of the deadline to admit students to the vacant seats of the petitioner institutions to the UG BAMS Course for the academic year 2023-24 and consequently direct the respondents No.1 to 7 to conduct counselling and to admit students the vacant seats of the petitioner institutions to the UG BAMS Course for the academic year 2023-24 in terms of the procedure notified by the Karnataka Examinations Authority; and*
- (iii) *Issue a Writ in the nature of mandamus directing the respondents No.1 to 3 to adhere to the notified timelines under the National Commission for Indian System of medicine Act, 2020 and the regulations notified thereunder for the purpose of grant of permission for the relevant academic year; and*

- (iv) *Issue a Writ in the nature of mandamus directing the respondents No.1 to 3 to extend the deadline for the last date for admissions to the UG BAMS Courses for the relevant academic year proportionately to the extension of the deadline for the grant of permissions to conduct UG BAMS Courses for the relevant academic year; and*
- (v) *Issue such other appropriate reliefs as this Hon'ble Court deems fit to grant in the facts and circumstances of the case; in the interest of justice and equity.*

2. Writ Petition No.28897 of 2023 has been filed with following prayers:

- (i) *Issue a writ of mandamus directing the Respondents to extend the date of admission and conduct sufficient number of counselling rounds for enabling the petitioners – institutions to fill the unfilled seats for the academic year 2023-24 in respect of BAMS (UG) courses.*
- (ii) *Grant such other reliefs as this Hon'ble court deems fit under the circumstances of the present case including an order for costs may kindly be passed.*

3. Heard Shri. Madhusudhan Naik, learned Senior Advocate for the petitioners in W.P. No. 27566/2023;

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Shri. G.S.Kannur learned Senior Advocate for the petitioners in W.P. No. 28897/2023, Ms. Mansi Kumar, learned Advocate for NCISM, Shri. Shanti Bhushan learned Deputy Solicitor General of India for the UOI, Shri. Sudev Hegde learned AGA for the State and Shri. N.K.Ramesh for KEA<sup>1</sup>.

4. The main prayer involved in these writ petitions are similar. Hence, they are heard simultaneously and disposed of by this common order.

5. Briefly stated the facts in W.P.No. 27566/2023 are, petitioners are Ayurvedic Medical Colleges. The NCISM<sup>2</sup> had invited applications for the establishment of new Ayurveda institutions for the academic year 2023-24. The last date for filing the applications was 30.11.2022. Despite submitting the applications on time, the inspection of the Institutions was conducted belatedly. The 'Letter of Permission' was granted on 23-24.11.2023. The Institutions were included in counselling on 30.11.2023, which was the last date notified

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<sup>1</sup> Karnataka Examination Authority

<sup>2</sup> National Commission for Indian System of Medicine

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for admissions for the year 2023-24. As a result many seats have remained vacant. The Colleges submitted their representation to the NCISM, seeking extension of the last day for admission which was not considered. Hence, this writ petition.

6. Shri. Naik, for the petitioners, submitted that they have submitted their applications within time and the NCISM completed the procedure belatedly. The Institutions will not be able to function effectively without proper admissions.

7. Ms. Mansi, for NCISM in W.P.No. 27566/2023 submitted that 17% of the seats remain vacant. Since petitioner institutions are new colleges, they require time to build their brand and attract the students. Additional rounds of counselling are not likely to benefit them.

8. Briefly stated facts in W.P.No. 28897/2023 are, petitioners are Ayurvedic Medical Colleges. The colleges have not been able to fill up all the available seats even after almost all the rounds of counselling. Therefore they

approached the NCISM seeking extension of time, which has not been considered. Hence, this writ petition.

9. Shri. Kannur, for the petitioners, submitted that stray vacancy rounds are conducted for MBBS Colleges and not for Ayurvedic institutions; the Institutions are run from out of the fee collected from students and if students are not admitted, then the institutions would suffer great loss.

10. Ms. Mansi Kumar, for the NCISM in W.P.No. 28897/2023, submitted that unfilled seats cannot be a ground for additional rounds of counselling. The classes have commenced from November 2023, and if fresh admission process is to be conducted the newly admitted students would not be able to cope up with the academic schedule. She submitted that there not many takers for the Ayurvedic course due to which the seats have remained unfilled. Providing extra rounds of counselling or extending the last date for admission would not bring any drastic change in the number of unfilled seats.

11. We have carefully considered rival contentions and perused the records.

12. The issue involved in these writ petitions is that the seats in petitioner Institutions are not filled up and they have approached this Court seeking extension of the counselling process and last date for admission.

13. The fact that there are many seats left unfilled in the Institutions is undisputed. The question as to whether extra rounds of counselling can be held due to the unfilled seats has been answered by the Apex Court in the case of *Neelu Arora and Anr Vs. Union of India and Ors*<sup>3</sup>, relied upon by Ms. Mansi. It was held that:

*"6.....Out of about 1600 seats, if 250 seats are not filled up for various reasons, we do not think it should result in the third round of counselling. If that process is to be adopted then there will be again vacancies and further filling up of the seats falling vacant will have to be undertaken. In that process, it will become endless until all the seats under the All-India Quota are filled up. .... Even if seats are unfilled that cannot be a ground*

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<sup>3</sup> (2003) 3 SCC 366



for making mid-session admissions and there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year."

(Emphasis Supplied)

14. In *Dr. Subodh Nautiyal v. State of U.P. and Ors*<sup>4</sup>, the Apex Court has observed that in respect of a technical course, to admit a student four months after the commencement would not at all be correct. The relevant Para reads thus:

*"Considering from this point of view, to maintain excellence the courses have to be commenced on schedule and be completed within the schedule so that the students would have full opportunity to study full course to reach their excellence and come at par excellence. Admission in the mid- stream would disturb the courses and also work as a handicap to the candidates themselves to achieve excellence. Considering from this pragmatic point of view we are of the considered opinion that vacancies of the seats would not be taken as a ground to give admission and direction by the High Court to admit the candidates into those vacant seats cannot be sustained."*

(Emphasis Supplied)

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<sup>4</sup> 1993 supp. (1) SCC 593, para 14

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15. It is important to note that no student has approached this Court seeking extension. It is only the institutions. Ms. Mansi is right in her submission that there are not many takers for the seats in the course offered by the petitioner institutions and hence, the seats have been remained unfilled.

16. Another important point is that the classes have commenced from November 2023. At this juncture, if the admission process is extended, it cannot be limited only to petitioner institutions excluding other Ayurvedic Colleges across the State. This would result in discontinuance of the academic schedule and the newly admitted students would not be able to cope up with the course.

17. The contention of the petitioners in W.P.No. 27566/2023 is that they were granted Letter of Permission belatedly and on this ground, they have prayed for extension of admission. This contention does not merit consideration because when seats in established Institutions

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have remained unfilled, it is reasonable to infer that the seats in newly established Institutions will not be filled up.

18. Therefore, in view of the settled position of law and aforementioned discussion, these writ petitions do not merit consideration and accordingly, are ***dismissed***.

No Costs.

*Before parting with this judgment, this Court places on record its deep appreciation for the research and assistance rendered by its official Research Assistants-cum-Law Clerks, Ms. Preksha R. Lalwani and Ms. Pooja Umashankar.*

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

SPS