

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).

@ SLP(C) NO.22691/2024

NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE & ANR.

APPELLANT(S)

VERSUS

VEENA VADINI AYURVED COLLEGE AND HOSPITAL & ORS. RESPONDENT(S)

O R D E R

1. Leave granted.
2. We are surprised by the impugned order passed by the High Court dated 05.09.2024. For the last academic year, a similar order was passed by the High Court which came to be challenged by appellant No.1 before this Court. This Court vide order dated 08.12.2023 has passed the following order:-

"1. Prima facie, we are of the view that the High Court was not justified in passing an unreasoned order of the nature that was passed on 23 November 2023 permitting the respondent-college to provisionally participate in the ongoing counselling for admission to the BAMS degree course for 2023-2024 for sixty seats. By the second order, the High Court has, in fact, extended the date of counselling for one day.

2. Such orders are liable to cause great prejudice to the students in the event that ultimately the writ petition fails. Such a practice has been deprecated by this Court.

3. Issue notice, returnable on 15 December 2023.

4. The counter affidavit shall be filed during the course of the week.

5. In the meantime, there shall be a stay of the operation of the impugned orders of the High Court dated 23 November 2023 and 28 November 2023.

6. The first respondent shall not collect any further fees from the students who have been admitted and the fees which has been collected shall be immediately placed in an earmarked separate account.”

3. In spite of a specific order passed by this Court staying the interim order for the earlier academic year 2023-24, the High Court passed a similar order again for the present academic year i.e. 2024-25.

4. We are of the view that the said practice is not in consonance with the judicial propriety. When an interim order for an earlier year was passed by this Court, the High Court ought to have given due weightage to it.

5. Faced with this situation, Shri D.S. Naidu, learned senior counsel for the appellant, fairly states that the Court may set aside the impugned order, inasmuch as the matter is kept for hearing before the High Court on 14.10.2024.

6. Shri Naidu further states that the pursuant to the interim order passed by the High Court, the appellants have not admitted any student for the academic year 2024-25.

7. The impugned order is therefore quashed and set aside and the appeal is allowed. The matter is remitted back to the High Court for consideration afresh.

8. Needless to state that the appellant would also bring to the notice of the Division Bench of the High Court the fact regarding the pendency of the writ petition and the special leave petition concerning the academic year 2023-24.

9. We clarify that we have not considered the merits of the matter and the High Court would decide the petition on its own merits, without being influenced by the present order.
10. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

NEW DELHI;
SEPTEMBER 30, 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).

@ SLP(C) NO.22743/2024

NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE & ANR.

APPELLANT(S)

VERSUS

RAJIV GANDHI AYURVEDIC COLLEGE & HOSPITAL & ORS. RESPONDENT(S)

O R D E R

1. Leave granted.
2. In spite of several orders passed by this Court deprecating the practice by the High Courts in permitting the colleges to participate in the admission process by an interim order the High Court has again passed an interim order permitting the Respondent No.1 herein to participate in the admission process.
3. In view of the order passed by this Court in the appeal arising out of SLP(C) No.22691/2024, Shri K. Parameshwar, learned senior counsel appearing for the appellants, fairly states that the present impugned order be quashed and the writ petition filed by the appellants herein be directed to be heard along with Writ Petition No.26152 of 2024.
4. The impugned order is therefore quashed and set aside and the appeal is allowed. The matter is remitted back to the High Court for consideration afresh.
5. The High Court is requested to hear the Writ Petition No.28960 of 2024 on merits on 14.10.2024 along with Writ Petition No. 26152 of 2024, which has already been listed for hearing on the said date i.e. 14.10.2024.
6. We clarify that we have not considered the merits of the matter and the High Court would decide the petition on its own merits, without being influenced by the present order.

7. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

NEW DELHI;
SEPTEMBER 30, 2024

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 22691/2024

(Arising out of impugned final judgment and order dated 05-09-2024 in WP No. 26152/2024 passed by the High Court of M.P Principal Seat at Jabalpur)

NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE & ANR.

Petitioner(s)

VERSUS

VEENA VADINI AYURVED COLLEGE AND HOSPITAL & ORS. Respondent(s)

(IA No. 223596/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

WITH

SLP(C) No. 22743/2024 (IV-C)

(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
223793/2024, IA No. 223793/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

Date : 30-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Ms. Archana Pathak Dave, A.S.G.
Ms. Ankita Chaudhary, AOR
Mr. Parmod Vishnoi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Avnish Dave, Adv.
Mr. Shreyas Balaji, Adv.
Mr. Vaibhav Dwivedi, Adv.
Mr. Raghav Sharma, Adv.

For Respondent(s) Mr. D.S Naidu, Sr. Adv.
Mr. Animesh Kumar, Adv.
Mr. Nishant Kumar, AOR

Mr. K. Parameshwar, Sr. Adv.
Mr. Animesh Kumar, Adv.
Mr. Nishant Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No.22691/2024

1. Leave granted.
2. The appeal is allowed, in terms of the signed order.

SLP(C) No.22743/2024

1. Leave granted.
2. The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER

(Two separate Signed orders, as above, are placed on the file)