

संख्या/ F.No.L-14014/183/2020-EP-1

भारत सरकार
Government of India
आयुर्वेद, योग व प्राकृतिक चिकित्सा, यूनानी, सिद्ध एवं होम्योपैथी मंत्रालय (आयुष)
Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)

“आयुष भवन”/“AYUSH BHAWAN”
“बी” ब्लॉक, जी.पी.ओ. कॉम्प्लेक्स, ‘B’ Block, GPO Complex,
आई.एन.ए., नई दिल्ली-110 023/INA, New Delhi-110 023
दिनांक/Dated: 26.03.2021

To,
The Principal,
Shiv Shakti Ayurvedic Medical College,
Sunam Road, Bhikhi, Distt- Mansa- 151504,
Punjab.
E-mail: sscobhikhi@gmail.com

Sub: **Grant of Conditional Permission to “Shiv Shakti Ayurvedic Medical College, Sunam Road, Bhikhi, Distt.- Mansa- 151504, Punjab” for admission with 60 seats in UG (BAMS) course for the academic session 2020-21 under section 13A/13C of the IMCC Act, 1970 in compliance of Order of Hon'ble High Court of Delhi in W.P.(C) 1997/2021 dated 04.03.2021 & W.P. (C) 3571/2021 dated 18.03.2021 - reg.**

Sir/Madam,

I am directed to refer to the Ministry's order no. L-14014/183/2020 EP-1 dated 03.02.2021 vide which denial of permission was conveyed to the said college for the A.Y. 2020-21 as the said college was not fulfilling the notified and approved criteria for grant of Conditional Permission for 60 UG seats (16 eligible teachers are available against the requirement of 30 eligible teachers, 02 higher faculty in 02 departments are available against the requirement of 15 higher faculty in 14 departments and other deficiencies as mentioned in the denial order dated 03.02.2021). Further, in view of COVID-19 pandemic situation, Ministry of AYUSH, in order to provide support to ASU&H colleges, formulated policies exclusively relaxed for A.Y. 2020-21, for UG courses. Accordingly, the college has been examined in terms of approved criteria and is found that the college was **not fulfilling for even 30 UG seats** for the A.Y. 2020-21 (the college has 16 eligible teaching faculty against the minimum requirement of 21 eligible teachers)

2. However, the said college has filed a Writ Petition at Hon'ble High Court of Delhi at Delhi in 2110/2021 & connected matters with W.P. (C) 1997/2021 dated 04.03.2021. As per the order 04.03.2021 passed by Hon'ble High Court of Delhi at Delhi in the said Writ petition which has been disposed of in terms of order dated 01.03.2021 in W.P. (C) 2110/2021 & connected matters, the case has been examined and it has been observed that college under reference was issued denial of permission for academic year 2015-16 and academic year 2016-17 from Ministry of AYUSH and hence doesn't come under the category of the colleges that have continuously received permission from Ministry of AYUSH for the preceding 5 (five) academic years.

Rishi Lohia
26/3/21 ✓

3. In view of the Court order dt. 01/03/2021 in W.P. (C) 2110/2021 & connected matters, if a college has not received permission continuously from Ministry of AYUSH for the preceding 05 (five) academic years, a fresh show cause notice has to be issued to the said college. Accordingly, a fresh show cause notice has been issued to the college vide Ministry's letter dated 8.03.2021 clarifying the deficiencies mentioned in the earlier show cause/hearing notice dated 06.01.2021 and denial of permission dated 03.02.2021, to present the case through virtual mode.

4. The observations of hearing committee based on submission made by the college representatives during hearing and recommendations & assessment report of the CCIM dated 04.12.2020 and the council's letter dated 30.12.2020, vide which revised status of the teachers have been conveyed, have been carefully examined in terms of Regulation 3 of the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016", provisions under the IMCC Act, 1970, relevant regulations made thereunder and it is observed that the college has not rectified the deficiencies, particularly related to teaching faculty and functional/updated college website, as communicated vide show cause notice dated 08.03.2021. Therefore, it is found that the institution has failed to establish that their faculty members have complied with the requirement of Regulation 26 of the Practitioners of Indian Medicine (Standards of Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982. The college also failed to produce Valid Registration certificates of the teaching faculties, who were not certified by CCIM. Though, as per IMCC (RMS) Regulation 2016, Hence, required no. of teaching faculty is not available as per RMS, 2016 for granting Conditional Permission for 60 seats in UG (BAMS) course. The following teaching faculties have not been considered:

Sr. No.	Name of Teacher	Reason for not considering as teaching faculty
1.	S. Pradheep Raju	College representatives did not submit the documents required in terms of Regulation 26 of the Practitioner of India Medicine (Standards of Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982; as by show cause/Hearing notice dated 08.03.2021.
2.	Bharti	
3.	Naveen Kumar	
4.	Luv Bhardwaj	
5.	Aman Kumar	
6.	Nivedita Kumari	College representatives also did not submit valid registration certificate as on 31 st Dec, 2019 in the state where they are employed, as solicited by show cause/Hearing notice dated 08.03.2021.
7.	Ajitha Naryana KS	
8.	Bhavana K R	
9.	Kavitha S	
10.	Vijaya Shakar B.V.	
11.	Akarshini A.M.	
12.	Thorave Amit Vishnu	
13.	Shivaji Tukaram Kagde	

B. S. S. S.
26/3/21 ✓

14.	Rajindra Rohidas Kokhande	
15.	Patil Sundeep Ramkrishna	
16.	Mahesh Pandurang Jadhav	
17.	Parmanand Shrivastava	
18.	Manoj Kumar	
19.	Kush Bhardwaj	
20.	Satender Tanwar	
21.	Anurag Nagrath	

5. As detailed in above paras, though the said college is **not** fulfilling the notified and approved criteria for grant of 60 seats in UG (BAMS) course for the A.Y. 2020-21, however, as per the order dated 17.03.2021 of the Hon'ble High Court of Delhi at Delhi in 3542/2021, wherein at para 18, 19 and 20, which are reproduced below as under:

" 18. It may be observed, at the outset, that such a position cannot be sustained where the denial orders of the Union have been set aside by the High Court under Article 226 of the Constitution of India.

19. Further, I am prima facie of the view that, even where the matters remain pending in the High Court, and the High Court has granted permission to the petitioner/institutions to admit students, it is not permissible for the Union to take the view that the institution is not entitled to the benefit of paragraph 3(a) of the Status Note. Interim order are passed by the Court on Prima Facie finding with regard to the entitlement of the petitioner to the relief sought. In the present case, the denial order for the year 2016-17 has been stayed, pending disposal of the writ petition by the Bombay High Court.

20. In the facts and circumstances aforesaid, I am of the view that the petitioner has made out a Prima facie case for interim protection. As far as the questions of balance of convenience and irreparable injury are concerned, I am guided by the observations of the Division Bench in an order dated 04.02.2021 in LPA NO. 49/2021 which was passed in the earlier round of proceedings. The Division Bench held that these issues were also in favour of the petitioner/institutions in circumstances similar to the present case, and stayed the contrary order passed by this Court on 01.02.2021 in WP(C) 1265 of 2021".

6. Further, as per the order dated 18.03.2021 in W.P. (C) 3571/2021 of Hon'ble High Court of Delhi at Delhi regarding the contention of the petitioner that the issuance of the show cause notice is contrary to the contents of paragraph 3(a) of the Status Note which was taken on record by Hon'ble High court in its order dated 01.03.2021. It has been mentioned in the said order dated 18.03.2021 that *"the Union has taken the position that it will consider the question of exemption under paragraph 3 (a) of the Status Note, along with other issues raised by the institutions, in their replies to the show cause notices issued by it, before passing final orders on the petitioner's applications."*

7. In view of the above order's of the Hon'ble High court, the permission matter of the said college for the academic year 2015-16 and 2016-17 was again examined and it is observed that the college was granted relief for taking admission with 60 UG seats for the year 2015-16 in CWP-

Prithvi Jitkey
26/3/21 ✓

24136-2015 in the High Court of Punjab and Haryana at Chandigarh and also allowed to take admission for 60 UG seats for the year 2016-17 in CWP-25567 of 2016 in the High Court of Punjab and Haryana at Chandigarh. Therefore, the college is found to come under the category of the colleges that have continuously received permission for the preceding 5 (five) academic years for 60 seats in UG (BAMS) Course.

8. It has, therefore, been decided by the Central Government to **grant Conditional Permission** to “**Shiv Shakti Ayurvedic Medical College, Sunam Road, Bhikhi, Distt.- Mansa- 151504, Punjab**” for conducting **UG (BAMS) course with 60 seats** for the academic session **2020-21** under Section 13C/13A of the IMCC Act, 1970, in compliance of Order dated 04.03.2021 of Hon’ble High Court of Delhi in W.P.(C) 1997/2021 & W.P. (C) 3571/2021 dated 18.03.2021, subject to the following:

- i. The fulfillment of conditions as specified in the Undertaking/Indemnity bond submitted by the college.
- ii. The college shall submit an undertaking in form of affidavit duly notarized within one month explaining the details of providing EPF and ESI facilities to the teaching, nonteaching staff of the Colleges/Hospitals and regularly paying the same as per the provisions of Employees' Provident Funds and Miscellaneous Provident Act, 1952 & ESI Act, 1948 and relevant Rules and Regulations.
- iii. CCTV system along with live streaming to be installed in, one each at one of the classroom (lecture theatre), Pathology lab, OPD Registration with waiting area and the place where Biometric attendance is taken, with access to CCIM (as communicated vide Ministry's OM dated 02.03 .2020 to all ASU colleges).
- iv. Implementation of Geo fencing for ensuring physical presence of Teaching faculty, Students and Hospital staff in the respective ASU College /hospital which is an up gradation of existing required criteria of Biometric Attendance as per 9(3) regulation of IMCC, MSR, 2016. (CCIM will issue detailed instructions in this regard)
- v. Maintenance of Web based computerized central registration system for maintaining the records of patients as per regulation 3 of IMCC, MSR, 2016. (CCIM will issue detailed instructions in this regard)

9. It is further informed that minimum of **15% of undergraduate seats** of the permitted intake capacity of **60 UG seats shall be treated as all India quota**. The counseling for seats under all India quota shall be conducted by respective counseling authority of State/UT Government as designated by Central Government vide letter F.No.L.11011/02/2020-EP (1) dated 26.10.2020 for A.Y. 2020-21 and counseling for the remaining 85% seats or as the case may be, shall be conducted by the concerned Counseling Authority of that State/UT. **The permission of the college stands withdrawn if the college fails to comply with the aforesaid direction of the Central Government for all India quota or the students admitted thereunder.**

10. Admissions made in violation of the above conditions will be treated as invalid and action will be initiated under IMCC Act & Regulations made thereunder.

11. Discrepancies, if any, may be immediately brought to the notice of Board of Governors, CCIM and the Central Government.

B. S. Saini
26/3/21 ✓

12. As per clause 3(1)(a) of IMCC, MSR Regulations, 2016, the following requirements which are required to be fulfilled by the college by 31st December, 2020, will be examined for considering the permission for the session 2021-22:

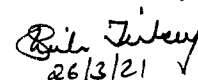
- (i) All the Minimum Standards Requirements of infrastructure and teaching & training facilities as specified in Regulation 3 of the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016;
- (ii) All the Requirements of "Indian Medicine Central Council (Requirements of Minimum Standard of Educations in Indian Medicine) Amendment Regulations, 2016 (for Ayurveda college); and
- (iii) All the requirements under the provisions of the IMCC Act, 1970 and relevant Regulations made there under should be fulfilled *in toto*.

13. The fulfillment of the conditions given above may be made within the time period specified and compliance report should be submitted by the college to CCIM under intimation to this Ministry. The CCIM will verify that the conditions have been fulfilled by means of an inspection and submit a report along with its assessment in this matter to the Ministry of AYUSH for considering the permission matter from the academic session 2021-22.

14. Ministry's order dated 03/02/2021 may be treated as withdrawn.

15. This issues with the approval of Competent Authority.

Yours faithfully,


26/3/21

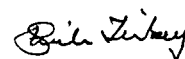
(Shila Tirkey)

Under Secretary to Government of India

Ph. No.: 011-24651976

Copy to:

- i. The Board of Governors, CCIM, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, Delhi-110 058 for information and necessary action for the next academic session.
- ii. The Secretary, Department of Health, Government of Punjab, mini secretariat, Sector IX, Chandigarh for information and necessary action.
- iii. The Registrar, Guru Ravidas Ayurved University, Hoshiarpur-146001, Punjab, for information and necessary action.



(Shila Tirkey)

Under Secretary to Government of India