

ITEM NO.44

COURT NO.12

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(C) No(s). 13354/2019

(Arising out of impugned final judgment and order dated 16-05-2019 in WP No. 7732/2019 passed by the High Court Of M.P At Indore)

MUBASHIRRA PARWEEN &amp; ORS.

Petitioner(s)

VERSUS

AYUSH DEPARTMENT, COMMISSIONER &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.85610/2019-EXEMPTION FROM FILING O.T. )

Date : 19-07-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Puneet Jain, Adv.  
Mr. Harsh Jain, Adv.  
Mr. Harshit Khanduja, Adv.  
Ms. Pratibha Jain, AOR

For Respondent(s) Ms. June Chaudhari, Sr. Adv.  
Mr. Aditya Ranjan, Adv.  
Mr. Mohammad Wasim, Adv.  
  
Mr. Vipin Gogia, Adv.  
Mrs. Jaspreet Gogia, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The admissions to BUMS (Bachelor of Unani Medicine & Surgery) courses for the year 2018-2019 is the subject matter of this Special Leave Petition. The last date for admissions

to BUMS course for the year 2018-2019 was 30.08.2018 which was extended upto 13.11.2018 by the Ministry of Ayush. The last date was further extended by the High Court of Madhya Pradesh upto 23.01.2019. This Court extended the last date for making the admissions to BHMS course to 15.02.2019 in a case arising from a judgment of the Bombay High Court. The petitioners filed a writ petition in the High Court that they were admitted on 15.2.2019 within the time fixed by this Court. The High Court refused to grant any relief to the petitioners on the ground that no admission can be made after the last date fixed by the High Court of Madhya Pradesh, i.e. 23.01.2019.

We were informed by Mr. Puneet Jain, learned counsel appearing on behalf of the petitioners on the last date of hearing that apart from the petitioners, there are others who have been admitted prior to 15.02.2019. We directed the third respondent-College to file an affidavit giving particulars of admissions.

Only four persons have filed this Special Leave Petition against the judgment of the High Court in which the other students are impleaded as proforma respondents. The proforma respondents are also entitled for the same relief as the petitioners provided they are eligible for admissions to BUMS course having served the minimum marks in the NEET exam.

After perusing the judgment of this Court and after hearing the learned counsel for the parties, we are of the

opinion that the admissions made prior to 15.02.2019 of students who are eligible by obtaining the minimum marks in the NEET conducted by the Ayush have to be approved by the respondents.

Ms. June Chaudhari, learned senior counsel appearing on behalf of Respondent Nos.1 and 2 expressed her concern for the students who were admitted six months after the last date for admissions in August, 2018. She also submitted that a direction has to be issued to the Management to have extra classes so that the students would keep pace with the other students. The third respondent-College is directed to conduct extra classes for the students who were admitted on 15.02.2019.

The Respondents authorities are directed not to disturb the students admitted to BUMS course in the 3<sup>rd</sup> respondent College on or prior to 15.02.2009 provided they have obtained minimum eligibility marks in the NEET examination.

The Special Leave Petition is disposed off accordingly.

Pending application(s) stand disposed of.

(GEETA AHUJA)  
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)  
BRANCH OFFICER