

संख्या/No.L-14014/246/2020-EP-1

भारतसरकार

Government of India

आयुर्वेद, योगवप्राकृतिकचिकित्सा, यूनानी, सिद्धा एवं होम्योपैथी मंत्रालय (आयुष)  
Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homocopathy (AYUSH)

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“आयुषभवन”/“AYUSH BHAWAN”

“बी” ब्लॉक, जी.पी.ओ. काम्प्लेक्स, 'B' Block, GPO Complex,  
आई.एन.ए., नई दिल्ली-110 023/INA, New Delhi-110 023

दिनांक/Dated: 24.03.2021

To

The Principal,  
Shri Baba Mastnath Ayurvedic College,  
VPO. Asthal Bohar,  
Distt. Rohtak-124021, Haryana  
Email: [sbmnayc@gmail.com](mailto:sbmnayc@gmail.com)  
Mobile No.: 9053066623

**Sub: Grant of Conditional Permission to “Shri Baba Mastnath Ayurvedic College, VPO. Asthal Bohar, Distt. Rohtak-124021, Haryana” with 30 seats (instead of 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 dated 01.03.2021 with WP No. 2110/2020 and connected matters with W.P. (C) 2248/2021 passed by Hon'ble High Court of Delhi - reg.**

Sir/Madam,

I am directed to refer to the Ministry's letter No.L-14014/246/2020-EP (1) dated 12.02.2021 wherein Conditional Permission for 30 seats instead of 60 seats in UG (BAMS) has been granted for the academic session 2020-21 as the said college was not fulfilling the notified and approved criteria for Teaching faculty (24 eligible teachers are available against the minimum requirement of 30 eligible teachers for 60 UG seats as per IMCC RMS, 2016). However, 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 eligible for 30 UG seats (instead of 60 seats) in UG (BAMS) course for the A.Y. 2020-21 (considering the relaxation for deficiency in teaching faculty as per the relaxed criteria i.e., minimum requirement of 21 eligible teachers).

2. Further, 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) 2248/2021. As per the order dated 01.03.2021 passed by Hon'ble High Court of Delhi at Delhi in the said Writ petition the case has been examined and it has been observed that college under reference is denied permission in the academic year 2018-19 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.

3. Furthermore, with respect to the denied order passed by the Ministry of AYUSH for the Academic Year 2018-19, the college filed a CWP No. 26681/2018 in the High Court of Punjab and Haryana at Chandigarh, which was allowed/ disposed off in view of the order dated 29.10.2018 in WP No. 26723/2018. However, it is observed by the Hon'ble Supreme Court that “*In case the Union of India was serious to question the aforesaid order, it ought to have come at an*

*Bilal Tarek*  
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*early date. Now by virtue of the fact that the students have been given admission, we are not inclined to interfere with the order. Otherwise, we are not happy with the kind of order which has been passed. The impugned order (s) shall not be treated as precedent for any other case in future."*

4. In view of the Court order dt. 01/03/2021 in 2110/2021 & connected matters, if a college has not received permission continuously from Ministry of AYUSH for the preceding 5 (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 03.03.2021 clarifying the deficiencies mentioned in the earlier show cause/hearing notice dated 08/01/2021, to present the case through virtual mode.

5. The observations of hearing committee based on submission made by the college representatives during hearing and recommendations & assessment report of the CCIM dated 24.11.2020 and the council's letter dated 05.01.2021, 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, as communicated vide show cause notice dated 03.03.2021. 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 for the State in which the faculty member is presently employed and who were earlier not certified by CCIM. Therefore, the said college is not fulfilling following shortcoming as notified and approved criterion for granting Conditional Permission for 60 seats in UG (BAMS) course.

- i. **Teaching Staff:-**30 teachers (100%) for 60 UG seats are required, however, for granting conditional permission 27 teachers are required as per RMS, 2016. Whereas, 24 eligible teachers are available in the said college. Therefore, the College is not fulfilling the criterion for granting conditional permission for 60 seats in UG (BAMS) course.
- ii. **Higher Faculty (HF):-** 15 Higher Faculty (1Professor / 1Reader) in 14 departments (100%) for 60 UG seats are required, however, for granting conditional permission 12 Higher Faculty in 11 departments are required as per RMS, 2016. Whereas, 07 Higher Faculty in 07 departments are available in the said college. Therefore, the College is not fulfilling the criterion for granting conditional permission for 60 seats in UG (BAMS) course.
- iii. The following teaching faculty have not been considered:

Sr. No.	Name of Teacher	Reason for not considering as teaching faculty
1.	Dr. Vishram Singh yadav	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 03.03.2021. College representatives also did not submit valid registration certificate as on 31 <sup>st</sup> Dec, 2019 in the state where they are employed, as solicited by show cause/Hearing notice dated 03.03.2021.
2.	Dr. Sadanand Gupta	
3.	Dr. Kishor Motghare	
4.	Dr. Sushil. Singhavi	
5.	Dr. Parag Patani	
6.	Dr. Teneti Sambasiva Rao	
7.	Dr. Yogesh Ramnath Gavali	
8.	Dr. Chandralekha Ramesh Kalamani	
9.	Dr. Heena Tomar	
10.	Dr Hitesh Chaudhari	

*Bilal Jaisay*  
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6. 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 01.03.2021 of the Hon'ble High Court of Delhi at Delhi in 2110/2021 & connected matters, wherein at para 5, which is reproduced below as under:

“The learned Additional Solicitor General has clarified that in the cases where partial permission has been granted (i.e. the Institutions have been permitted part of the intake they had applied for), the fresh show cause notices, if any will be confined to the disputed intake, and will not disturb the number of seats for which the institutions have been granted permission.”

Hence, the earlier Ministry's letter No.L-14014/246/2020-EP (1) dated 12.02.2021 for grant of Conditional Permission to **Shri Baba Mastnath Ayurvedic College, VPO. Asthal Bohar, Distt. Rohtak-124021, Haryana** for conducting 30 seats instead of 60 seats in UG (BAMS) for the academic session 2020-21 has not been disturbed.

7. Therefore, it has been decided by the Central Government to **grant Conditional Permission to Shri Baba Mastnath Ayurvedic College, VPO. Asthal Bohar, Distt. Rohtak-124021, Haryana with 30 seats instead of 60 seats in UG (BAMS) course** (considering the relaxation for deficiency in teaching faculty as per the relaxed criteria i.e., minimum requirement of 21 eligible teachers) for the academic session 2020-21 under Section 13C/13A of the IMCC Act, 1970, 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, non-teaching 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. College needs to submit their compliance report to CCIM regarding fulfilling the required criteria for its actual permitted intake capacity for UG & PG as per IMCC, MSR, 2016 regulations except for Higher faculty for UG criteria only i.e., relaxation for Higher faculty will be considered if two Lower faculty are appointed in place of 1 Higher faculty of the concerned subject. The compliance report is to be submitted to CCIM within three months from date of issue of permission letter.
- iv. 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).
- v. 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)
- vi. 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)

8. It is further informed that minimum 15% of undergraduate seats of the permitted intake capacity of 30 UG (BAMS) 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

*Prateek Jaiswal*  
24.03.21

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.**

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

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

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

- (i) all the Requirements of Minimum Standard 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 the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations, 2016 (for Ayurveda); and
- (iii) all the requirements under the provisions of the IMCC Act, 1970 and relevant Regulations made thereunder should be fulfilled *in toto*

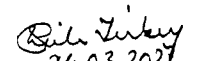
12. The fulfillment of the conditions given above may be made within the time period specified and compliance report should be submitted by the college to CCIM under intimation to this Ministry. The CCIM will verify that the conditions have been fulfilled by means of an inspection and submit a report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

13. This relaxation of granting, 30 seats instead of 60 seats in UG (BAMS) course is applicable only for A.Y. 2020-21.

14. In this regard, grievance, if any, may be communicated to the Grievance Redressal Committee/Appellate body which has been constituted as special one-time measure for A.Y. 2020-21 in compliance of Hon'ble High Court of Delhi order dated 01.03.2021, details are available in public domain at <https://main.ayush.gov.in/event/constitution-grievance-redressal-committee-appellate-body-special-one-time-measure-ay-2020-21>

15. This issues with the approval of Competent Authority.

Yours faithfully,

  
24.03.2021  
(ShielaTurkey)

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 Commissioner & Health Secretary, Government of Haryana, Health & Medical Education Department Secretariate Building, Sector-17, Chandigarh-1670017 (Haryana) for information and necessary action.
- iii. The Registrar, Baba Mastnath University, Asthal Bohar, Distt. Rohtak-124021, for information and necessary action.

*Shiela Tirkey*  
24.03.2021  
(Shiela Tirkey)

**Under Secretary to Government of India**