

संख्या/No.L-14014/239/2020-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)  
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“आयुष भवन”/“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: 30.03.2021

To,

The Principal,  
Jammu Institute of Ayurved and Research,  
Nardani, Raipur, Ban Talab Road,  
Jammu Tawi- 181123, Jammu & Kashmir.  
E-mail:- jiarjammu@gmail.com

Sub: Grant of Conditional Permission to “Jammu Institute of Ayurved and Research, Nardani, Raipur, Ban Talab Road, Jammu Tawi- 181123, Jammu & Kashmir” with 90 seats in UG (BAMS) Course and 15 seats in 03 PG courses namely (i) Kayachikitsa -05 seats, (ii) Shalya Tantra- 05 seats and (iii) Kriya Sharir- 05 seats for conducting admission for the academic session 2020-21 under section 13A/13C of the IMCC Act, 1970 in compliance of Order passed by Hon'ble High Court of Delhi in W.P. (C) 4132/2021 dated 26.03.2021- reg.

Sir/Madam,

This is to refer to Ministry's letter of even no. dated 09.02.2021 regarding the Conditional Permission granted to your college for admission with 60 seats in UG (BAMS) course instead of 90 seats and denial of permission for conducting admission with 15 seats in 03 PG courses namely (i) Kayachikitsa -05 seats, (ii) Shalya Tantra- 05 seats and (iii) Kriya Sharir- 05 seats due to deficiency of teaching faculty and non-availability of Animal house as per RMS, UG & PG Regulations 2016. Further, refer to the Ministry's letter of even no. dated 24.03.2021 regarding denial of your request dated 10.02.2021 for considering grant of permission for 15 seats in 03 PG courses for the A.Y. 2020-21, due to non-availability of Animal House and deficiency of 01 Professor in Kriya Sharir Department and 01 Lecturer in the department of Kayachikitsa for conducting PG courses as per RMS, PG Regulations 2016.

2. The college has submitted a representation dated 26.03.2021 to the Grievance Redressal Committee for consideration of the case for grant of permission 90 seats in UG (BAMS) course and 15 seats in 03 PG courses. Further, the said college has filed a Writ Petition at Hon'ble High Court of Delhi at Delhi in 4132/2021. As per the order dated 26.03.2021, passed by Hon'ble High Court of Delhi at Delhi in the said Writ petition, it has been mentioned that “*the learned counsel for the petitioner, submits that the institution had permission to admit students for the five preceding academic years and is, therefore, entitled to exemption from issuance of a fresh show cause notice under Clause 3(a) of the aforesaid Status Note. The GRC will render its decision on the eligibility of the petitioner under clause 3(a) of the status note.*” Accordingly the case has been examined by GRC and it has been observed as under:

*Rishi Tiley*

Name of the College	Academic Year	Permission/ denial issued
Jammu Institute of Ayurved and Research, Nardani, Raipur, Ban Talab Road, Jammu Tawi- 181123, Jammu & Kashmir	2015-16	Ministry's letter No. R-17012/36/2015-EP(IM-I) dt. 16/07/2016 (granted conditional permission for a period not exceeding 5 years) for 90 seats in UG (BAMS) course and 15 seats in 03 PG courses from the academic year 2015-16 to 2019-20.
	2016-17	
	2017-18	
	2018-19	Ministry's letter L-17011/36/2015-EP(1) dated 26.09.2018 Denial of permission for 90 seats in UG (BAMS) course and 15 seats in 03 PG courses and withdraw permission for a period of five year.
2019-20 (Conditional Permission)	Ministry's letter L-14014/65/2019-EP(1) dated 07.08.2019 granted Conditional permission for 90 seats in UG (BAMS) course and 15 seats in 03 PG courses	

3. As detailed in above paras, it is observed that the said college is not fulfilling the criteria of continuous permission for the preceding five academic years as it was denied permission for the session 2018-19. However, **as per the direction of the Hon'ble High Court of Delhi at Delhi vide its order dated 17.03.2021 in WP (C) 3542/2021, which is reproduced below:**

*"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".*

*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 same Status Note. Interim orders are passed by the Court on a 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.....".*

4. In view of the above direction of Hon'ble High Court, it has been found that the said college was denied permission for the A.Y. 2018-19 based on surprise inspection, however, it hadfiled an OWP 2208/2018 at Jammu High Court and got a stay on denial order. The case is still subjudice. Therefore, considering the stay on denial order for the A.Y. 2018-19, the said college is found to have continuous permission for the preceding five academic years, hence, eligible for grant of permission for the A.Y. 2020-21in compliance of para [4 (3) (a)] of court order WP 2110/2021 & connected matters and W.P. (C) 4132/2021 dated 26.03.2021.

5. It has, therefore, been decided by the Central Government to **grant Conditional Permission** to "Jammu Institute of Ayurved and Research, Nardani, Raipur, Ban Talab Road, Jammu Tawi- 181123, Jammu & Kashmir" for conducting **90 seats in UG(BAMS) course and 15 seats in 03 PG courses namely (i) Kayachikitsa -05 seats, (ii) Shalya Tantra- 05 seats and (iii) Kriya Sharir- 05 seats for the academic session 2020-21** under Section 13C/13A of the IMCC Act, 1970, in view of college representation dated 26.03.2021 to GRC and in compliance of Order dated 26.03.2021of Hon'ble High Court of Delhi in W.P. (C) 4132/2021, subject to result of the Writ

*Richa Tiley*

Petition. The college is directed to inform the students that the permission to admit students have been granted subject to the result of the Writ Petition 4132/2021 dated 26.03.2021 of Hon'ble high Court of Delhi. Further, an undertaking from the students may also be taken that their admission are subject to the result of Writ Petition. The permission to the college is also 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)

6. It is further informed that minimum of **15% of undergraduate seats** and **15% of postgraduate seats** of the permitted intake capacity of **90UG seats and 15 PG 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.**

7. 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.

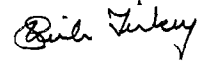
8. As per clause 3(1)(a) of IMCC, MSR Regulations, 2016, the following requirements which are required to be fulfilled by the college by 31<sup>st</sup> December, 2020, will be examined for considering the permission for the session 2021-22:

- (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);

*Bishu Tiwari*

- (iii) All the requirements of the Indian Medicine Central Council (Post Graduate Ayurveda Education) Regulations, 2016 for grant of permission to PG courses, *and*
- (iv) All the requirements under the provisions of the IMCC Act, 1970 and relevant Regulations made there under should be fulfilled *in toto*.
9. 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.
10. Ministry's order dated 09/02/2021 may be treated as withdrawn.
11. The college representation dated 26.03.2021 to Grievance Redressal Committee stands disposed off.
12. This issues with the approval of Competent Authority.

Yours faithfully,



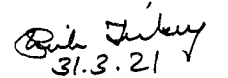
(Shiela Tirkey)

**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 Principal Secretary, Health & Medical Education Department. Civil Secretary, Srinagar-190001, Jammu and Kashmir for information and necessary action.
- iii. The Registrar, University of Jammu, Baba Sahib Ambedkar Road, Jammu-180006, Jammu and Kashmir for information and necessary action.



(Shiela Tirkey)

**Under Secretary to Government of India**