



SWARNNIM
STARTUP & INNOVATION
UNIVERSITY
WHERE IDEAS COME ALIVE.

INDIA'S FIRST UNIVERSITY FOR STARTUP

Ref.No.: SWARNNIM/RO/AAMCRI/2022/02

Date: 12/01/2023

To,
The Principal,
Aarihant Ayurvedic Medical College and Research Institute,
Swarnnim Startup & Innovation University
Gandhinagar

Subject: Letter of constituent institute with its name and courses.

Dear Sir,

The Swarnnim Startup & Innovation University is a private University established under Gujarat Private University Act No. 10 of 2017 and received Notification from state Government of Gujarat having Registration no. GH/SH/12/EPU/2017/10/KH1 dated 31st March, 2017. As per the letter from Education Department, Sachivalaya, Gandhinagar having GH/SH/35/EPU/2017/68/KH1 dated 6th May 2017 stating that all the existing Institutes in the University and newly initiated college from the academic year 2017-18, is the constituent college of the University.

The "Aarihant Ayurvedic Medical College and Research Institute," is the constituent college of this University from the Academic Year 2019-20.

The following are the details of program:

Sr. No	Name of Institute	Name of Degree/ Program	Intake	University	Academic Year
1	Aarihant Ayurvedic Medical College and Research Institute	Under Graduate (BAMS)	100	Swarnnim Startup & Innovation University	2023-24


Registrar
Swarnnim Startup & Innovation University
At.: Bhayan Boshod, Gandhinagar.



Copy to: 1. Hon'ble Provost, SSIU

2. Principal, Aarihant Ayurvedic Medical College and Research Institute Swarnnim Startup & Innovation University

Managed by G P Jain Charitable Trust

+91 9512343333 | info@swarnnim.edu.in | www.swarnnim.edu.in

H.O : Swarnnim House, At Urvasad Cross Road, Adalaj, SG Highway, Gandhinagar 382421



॥ आयुषे सर्वनोकानाम् ॥

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग
आयुष मंत्रालय, भारत सरकार
कार्यालय: 61-65, संस्थानिक क्षेत्र, जनकपुरी, डी-ब्लॉक नई दिल्ली-110058
National Commission for Indian System of Medicine
Ministry of Ayush, Govt. of India
Office: 61-65, Institutional Area, Janakpuri, D-Block New Delhi-110058

CONDITIONAL PERMISSION

दूरभाष / Phone
समापति / Chairman: 28525156
सचिव / Secretary: 28525847
कार्यालय / Office: 28525464
पंजीयन / Registration: 28522519
फैक्स / Fax: 28520878
www.ncismindia.org
secretary@ncismindia.org

क्रमांक / Ref. No.- 26-128/MARB/2023-Ay.

दिनांक/Dated: 03.08.2023

To,

The Principal,

Aarihant Ayurvedic Medical College & Research Institute,
At. Bhoyan Rathod, Opp. IFFCO, Adalaj- Kalol Road, Near ONGC WSS,
Gandhinagar-382420, Gujarat (Inst. ID- AYU0526)
E-mail ID:- registrar@swarnnim.edu.in

Subject:- Grant of conditional permission to Aarihant Ayurvedic Medical College & Research Institute, At. Bhoyan Rathod, Opp. IFFCO, Adalaj- Kalol Road, Near ONGC WSS, Gandhinagar-382420, Gujarat (Inst. ID- AYU0526) with 100 seats in UG (BAMS) course for the academic session 2023-24 under section 28 of NCISM Act 2020 and relevant regulations thereunder-reg.

Sir/Madam,

With reference to the subject mentioned above, I am directed to inform you that in pursuance of the provision of National commission for Indian System of Medicine Act, 2020, the Indian Medicine Central Council Act, 1970 (48 of 1970) has been repealed with effect from the 11th day of June, 2021. With effect from the said date, the Central Council of Indian Medicine constituted under sub-division (1) of section 3 of the Indian Medicine Central Council Act, 1970 (48 of 1970) shall stand dissolved. Now, in exercise of the powers conferred by sub-section (3) of the section 1 of the said Act, the Central Government hereby notifies that all the provisions of the National Commission for Indian System of Medicine Act, 2020 has come into force with effect from the 11th day of June, 2021 and as per regulation 59 (2) of The National Commission for Indian System of Medicine ACT, 2020, Medical standards, requirements and other provisions of the Indian Medicine Central Council Act, 1970 and the rules and regulations made there under shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made there under.

Further, the provision of concerned regulations which are inconsistent with the provision of NCISM Act, 2020 shall not be applicable.

1. Further, to assess the available facilities of teaching, non-teaching, Hospital staff, practical training and other infrastructure facilities at your college namely **Aarihant Ayurvedic Medical College & Research Institute, At. Bhoyan Rathod, Opp. IFFCO, Adalaj- Kalol Road, Near ONGC WSS, Gandhinagar-382420, Gujarat (Inst. ID- AYU0526)** inspection was conducted on **02.05.2023 and 03.05.2023 on hybrid mode** as a part of annual visitation by the visitation team of Medical Assessment and Rating Board, NCISM to process **the Conditional permission with 100 seats in UG (BAMS) Course under Section 28 of NCISM Act, 2020 for the academic year 2023-2024.**
2. Further, the visitation report and all other related documents were assessed in terms of the enforced regulations namely, the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016" and provisions under the NCISM Act, 2020.
3. As per the direction of President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM), the assessment report was placed in the **47th Board meeting** of Medical Assessment and Rating Board for Indian System of Medicine (NCISM) held on **13.07.2023**. On careful examination of the assessment report it is found that **your college is fulfilling the notified & approved criteria, hence Board decided to issue the Conditional permission with 100 seats in UG (BAMS) course under Section 28 of NCISM Act, 2020 for the academic year 2023-24.**
4. Therefore, **Grant of conditional permission is issued to Aarihant Ayurvedic Medical College & Research Institute, At. Bhoyan Rathod, Opp. IFFCO, Adalaj- Kalol Road, Near ONGC WSS, Gandhinagar-382420, Gujarat (Inst. ID- AYU0526) with 100 seats in UG (BAMS) course for the academic session 2023-24 under section 28 of NCISM Act, 2020 subject to the condition that college is fulfilling the following requirements:-**
 - I. The college shall submit an undertaking in the 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 Provisions Act, 1952 & ESI Act, 1948 and relevant Rules and Regulations.
 - II. It is further informed that minimum 15% of undergraduate seats of the permitted intake capacity of **100** seats shall be treated as all India quota. The counseling for seats under all India quota shall be conducted by respective counseling authority as designated by Central Government for A.Y. 2023-24 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/NCISM for all India quota or the students admitted thereunder.

- III. It is also informed that determination of fee and all other charges in respect of 50% of seats in private Medical Institutions and deemed to be University should be as per the guidelines issued by NCISM vide ref no.BUSS/Fee/ASU/2022-23 dated 16.09.2022. Fees of the remaining 50% of seats are to be fixed as per the guidelines of Fee Fixation/Regulatory Committee (FRC) of respective State/UT/Deemed to be University.
5. Admissions made in violation of the above conditions will be treated as invalid and action will be initiated under NCISM Act & Regulations thereunder.
6. Discrepancies, if any, may be immediately brought to the notice of Medical Assessment and Rating Board for Indian System of Medicine, NCISM.
7. **The following requirements should be fulfilled by the college by 31st December, 2023 and send a compliance report to get permission for the academic session 2024-25:-**
- 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);
- iii) all the requirements under the provisions of the NCISM Act, 2020 and relevant Regulations made thereunder should be fulfilled in toto; and
8. 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 President, Medical Assessment and Rating Board for Indian System of Medicine. The Medical Assessment and Rating Board for Indian System of Medicine will verify that the conditions have been fulfilled for considering the permission for the academic session 2024-25.
9. Please acknowledge the receipt of this letter.



(Dr. Raghurama Bhatta U.)
President, Medical Assessment and Rating Board for Indian System of Medicine
Dr. Raghurama Bhatta U.

अध्यक्ष, मा.वि.प. चिकित्सा आकलन और रेटिंग बोर्ड
President, Medical Assessment and Rating Board for I.S.M.
आयुर्वेद विद्यापीठ संस्थान, नई दिल्ली
Block GPO, Connaught Place, New Delhi
110058

Copy to:-

- i) The Chairperson, NCISM, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, Delhi-110058 for information
- ii) The Secretary to the Govt. of India, Ministry of AYUSH, Ayush Bhawan, B-Block GPO, Connaught Place, New Delhi 110023. (**secy-ayush@nic.in, aacc-admin-ayush@gov.in, ep1section-ayush@gov.in**)
- iii) The Principal Secretary (Public Health & Family Welfare) Department of Health & Family Welfare, Government of Gujarat Block No 5, 1st Floor old Sachivalay. Dr. Jivraj Mehta Bhavan, Sector No.10, Gandhinagar-382010 Gujarat for information. (**cohealth@gujarat.gov.in**)
- iv) The Directorate of AYUSH 2nd Floor, Block No. 1, Dr. Jivraj Mehta Bhavan, Sector-10, Gandhinagar. (Gujarat) for information. (**ismh@gujarat.gov.in, Dir-ismnh@gujarat.gov.in**)
- v) The Registrar, Swarnim Startup and Innovation University At. Bhojan Rathod, Opp. IFFCO Sertha Road, Gandhinagar-382420, Gujarat for information (**info@swarnim.edu.in, admission@swarnim.edu.in**).
- vi) Guard File.

(Dr. Raghurama Bhatta U.)
President, Medical Assessment and Rating Board for Indian System of Medicine
(NCISM)



Registrar
Swarnim Startup & Innovation University
At : Bhojan Rathod, Gandhinagar.



SWARNIM
STARTUP & INNOVATION
UNIVERSITY
WHERE IDEAS COME ALIVE.

INDIA'S FIRST UNIVERSITY FOR STARTUP

Ref.No.: SWARNIM/RO/AAMCRI/2022/03

Date: 24/01/2022

To,
The Principal,
Aarivant Ayurvedic Medical College and Research Institute,
Swarnim Startup & Innovation University
Gandhinagar

Subject: Letter of constituent institute with its name and courses.

Dear Sir,

The Swarnim Startup & Innovation University is a private University established under Gujarat Private University Act No. 10 of 2017 and received Notification from state Government of Gujarat having Registration no. GH/SH/12/EPU/2017/10/KH1 dated 31st March, 2017. As per the letter from Education Department, Sachivalaya, Gandhinagar having GH/SH/35/EPU/2017/68/KH1 dated 6th May 2017 stating that all the existing Institutes in the University and newly initiated college from the academic year 2017-18, is the constituent college of the University.

The "Aarivant Ayurvedic Medical College and Research Institute," is the constituent college of this University from the Academic Year 2019-20.

The following are the details of program:

Sr. No	Name of Institute	Name of Degree/ Program	Intake	University	Academic Year
1	Aarivant Ayurvedic Medical College and Research Institute	Under Graduate (BAMS)	100	Swarnim Startup & Innovation University	2022-23


Registrar

Registrar
Swarnim Startup & Innovation University
At.: Bhojan Rathod, Gandhinagar.



Copy to: 1. Hon'ble Provost, SSIU

2. Principal, Aarivant Ayurvedic Medical College and Research Institute Swarnim Startup & Innovation University

Managed by G P Jain Charitable Trust

+91 9512343333 | info@swarnnim.edu.in | www.swarnnim.edu.in

H.O : Swarnnim House, At Urvasad Cross Road, Adalaj, SG Highway, Gandhinagar 382421



प्राणाभिस्तरः प्राणायतनानाम्

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग

आयुष मंत्रालय, भारत सरकार

कार्यालय: 61-65, संस्थानिक क्षेत्र, जनकपुरी, डी.ब्लॉक नई दिल्ली -110058

National Commission for Indian System of Medicine

Ministry of AYUSH, Govt. of India

OFFICE: 61-65, INSTITUTIONAL AREA, JANAKPURI, D-BLOCK, NEW DELHI - 110058

Conditional Permission

दूरभाष / Phon

अध्यक्ष / Chairman: 2852515

सचिव / Secretary: 2852584

कार्यालय / Office: 2852546

पंजीयन / Registration: 2852251

फैक्स / Fax: 2852087

www.ncismindia.or

secretary@ncismindia.or

क्रमांक / Ref. No 26-128/MARB/2022-Ay.

दिनांक/Dated. 09.11.2022

To,

The Principal,

Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod,

Opp. IFFCO-Sertha Road,

Gandhinagar-382420, Gujarat (Inst. ID- AYU0526)

E-mail ID:- registrar@swarnnim.edu.in, vicepresident@swarnnim.edu.in

Subject:- Grant of Conditional Permission to Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat (Inst. ID- AYU0526) for intake capacity with 100 seat in UG (BAMS) Course, for the academic session 2022-23, under Section 28 of NCISM ACT 2020 and relevant regulations thereunder regarding.

Sir/Madam,

With reference to the subject mentioned above, I am directed to inform you that in pursuance of the provisions of National Commission for Indian System of Medicine Act, 2020, the Indian Medicine Central Council Act, 1970 (48 of 1970) has been repealed with effect from the 11th day of June, 2021. With effect from the said date, the Central Council of Indian Medicine constituted under sub-section (1) of section 3 of the Indian Medicine Central Council Act, 1970 (48 of 1970) has been dissolved. Now, in exercise of the powers conferred by sub-section (3) of the section 1 of the said Act, the Central Government notified that all the provisions of the National Commission for Indian System of Medicine Act, 2020 has been come into force with effect from the 11th day of June, 2021. In view of the above the Central Government constituted the Autonomous Boards with effect from 11th June, 2021 and as per regulation 59 (2) of The National Commission for Indian System of Medicine Act, 2020, Medical standards, requirements and other provisions of the Indian Medicine Central Council Act, 1970 and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder. Further, the provisions of concerned regulations which are inconsistent with the provisions of NCISM Act 2020 shall not be applicable.

1. Further, to assess the available facilities of teaching, non-teaching, Hospital staff, practical training and other infrastructure facilities at your college namely **Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat (Inst. ID- AYU0526)** inspection of your College was conducted on **12.07.2022 & 13.07.2022 on Hybrid mode** as a part of annual visitation by the visitation team of Medical Assessment and Rating Board, NCISM to process **the Conditional permission with 100 seats in UG (BAMS) Course, for the academic session 2022-23 under Section 28 of NCISM ACT 2020 and relevant regulations thereunder.**
2. Further, in view of above, the visitation report and all other related documents were assessed in terms of enforced regulation namely, the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016", and provisions under the NCISM Act, 2020 and relevant Regulations there under, and on the basis of Relaxation policy issued by the NCISM dated 16.03.2022. **On examining the same certain deficiencies were observed by the Medical Assessment and Rating Board for Indian System of Medicine (NCISM).**
3. As per the direction of President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM), the assessment report was placed in the **16th Board Meeting** of Medical Assessment and Rating Board for Indian System of Medicine (NCISM) held on **07.11.2022**. On careful examination of the assessment report it was found that **your college is not fulfilling the notified & approved criteria for issuing of Conditional permission with 100 seats in UG (BAMS) Course for the academic session 2022-23** and Board decided to provide an opportunity of hearing to your college. Thereafter, an opportunity of hearing was granted to your college on **09.11.2022** to present the case through virtual mode.
4. The observation of hearing committee based on the submission made by the college representatives during hearing and assessment report of the NCISM have been carefully re-examined in terms of the "Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016", and provisions under the NCISM Act, 2020 and relevant regulations thereunder, **and was once again placed before the President Medical Assessment and Rating Board for Indian System of Medicine.**
5. In view of above, it is found that college is fulfilling the basic eligibility criteria for grant of condition permission, therefore, it has been decided by the **President, Medical Assessment and Rating Board for Indian System of Medicine to issue Conditional Permission to Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat (Inst. ID- AYU0526) with 100 seats in UG (BAMS) Course under section 28 of NCISM Act, 2022 for the academic session 2022-23, subject to following condition:-**

date of issue of the letter, explaining the details of providing EPF and ESI facilities to the teaching, non-teaching staff of the Colleges/Hospitals and regularly paying fee same as per the provisions of Employees' Provident Funds and Miscellaneous Provident Act, 1952 & ESI Act, 1948 and relevant Rules and Regulations.

- (ii) It is further informed that 15% of undergraduate seats of the permitted intake capacity with 100 seat in UG (BAMS) Course shall be treated as all India quota. The counseling for seats under all India quota shall be conducted by respective counseling authority as designated by Central Government for A.Y. 2022-23 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/NCISM for all India quota or the students admitted thereunder.**
- (iii) It is also informed that determination of fee and all other charges in respect of 50% of seats in private Medical Institutions and deemed to be University should be as per the guidelines issued by NCISM vide ref no.BUSS/Fee/ASU/2022-23 dated 16.09.2022. Fees of the remaining 50% of seats are to be fixed as per the guidelines of Fee Fixation/Regulatory Committee (FRC) of respective State/UT/Deemed to be University.
6. Admissions made in violation of the above conditions will be treated as invalid and action will be initiated under NCISM Act & Regulations thereunder.
7. Discrepancies, if any, may be immediately brought to the notice of Medical Assessment and Rating Board for Indian System of Medicine, NCISM.
8. The following requirements should be fulfilled by the college by 31st December, 2022 **and send a compliance report to get permission for the session 2023-24:**
- 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 undergraduate 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);
- iii) all the requirements under the provisions of the NCISM Act, 2020 and relevant Regulations made thereunder should be fulfilled in toto; and
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 President, Medical Assessment and Rating Board for Indian System of Medicine. The Medical Assessment and Rating Board for Indian System of Medicine will verify that the conditions have been fulfilled for considering the permission from the academic session 2023-24.
10. Please acknowledge the receipt of this letter.

डॉ. (Dr. Raghurama Bhatta U.)
President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM)

अध्यक्ष, भा.चि.प. चिकित्सा आकलन और रेटिंग बोर्ड (NCISM)
President, Medical Assessment and Rating Board for I.S.M.

Copy to:-

1. The Chairperson, National Commission for Indian System of Medicine, New Delhi-110058.
2. The Secretary, Govt. of India, Ministry of AYUSH, B-Block, GPO Complex, Connaught Place, New Delhi-110058.
ayush@nic.in, aaccc-admn-ayush@gov.in, ep1section-ayush@gov.in
3. The Principal Secretary (Public Health & Family Welfare) Department of Health & Family Welfare, Government of Gujarat, Block No 5, 1st Floor old Sachivalay. Dr. Jivraj Mehta Bhavan, Sector No.10, Gandhinagar-382010 Gujarat for information. (cohealth@gujarat.gov.in)
4. The Directorate of AYUSH, 2nd Floor, Block No. 1, Dr. Jivraj Mehta Bhavan, Sector-10, Gandhinagar (Gujarat) for information. (ismh@gujarat.gov.in, Dir-ismnh@gujarat.gov.in)
5. The Registrar, Swarnim Startup and Innovation University At. Bhojan Rathod, Opp. IFFCO Sertha Road, Gandhinagar-382420, Gujarat for information. (info@swarnim.edu.in, admission@swarnim.edu.in)
6. Guard file.

(Dr. Raghurama Bhatta U.)
President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM)

75
Azadi Ka
Amrit Mahotsav

Registrar

Swarnim Startup & Innovation University
At : Bhojan Rathod, Gandhinagar.



प्राणाभिसरः प्राणायतनानाम्

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग
आयुष मंत्रालय, भारत सरकार
कार्यालय: 61-65, संस्थानिक क्षेत्र, जनकपुरी, डी.ब्लॉक नई दिल्ली - 110058
National Commission for Indian System of Medicine
Ministry of AYUSH, Govt. of India
Office: 61-65, Institutional Area, Janakpuri, D-Block, New Delhi - 110058

दूरभाष / Phone

अध्यक्ष / Chairman: 28525156

सचिव / Secretary: 28525847

कार्यालय / Office: 28525464

पंजीयन / Registration: 28522519

फैक्स / Fax: 28520878

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secretary@ncismindia.org

क्रमांक/ Ref. No 26-128/2021-Ay.

दिनांक / Dated: 17.01.2022

To

The Principal,
Aarihant Ayurvedic Medical College & Research Institute,
At. Bhojan Rathod, Opp. IFFCO-Sertha Road,
Gandhinagar-382420,
Gujarat

Sir/Madam,

Subject: - Grant of conditional permission to the Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO- Sertha Road, Gandhi Nagar-382420, Gujarat (Inst. ID. AYU0526) with 100 seats instead of 60 seats in UG (BAMS) course from the academic session 2021-22 under section 28 of NCISM Act 2020 and relevant regulations thereunder in respect of appeal dated 18.12.2021 - reg.

With reference to the subject mentioned above, I am directed to inform you that Ministry of AYUSH vide its letter no. L.14011/3/2020-EP (1) dated 26.03.2021 and 15.04.2021 issued Relaxation/support policy for ASU&S colleges in unprecedented times of COVID-19 pandemic for the academic session 2021-22 and the permission for the academic year 2021-22 of the ASU&S colleges will be considered on the basis of part-I visitation proforma submitted by the college.

Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat has been carefully examined in terms of concerned Regulation and it is found that the college was fulfilling the basic eligibility criteria to assess the available facilities of teaching and practical training for conducting UG (BAMS) course with 60 seats for grant of conditional permission to the said college, under section 28/29 of the NCISM Act, 2020 and relevant regulation there under for the academic session 2021-22.

Further, the observation of Assessment report was placed before President, MARBISM and it was decided by the President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM) to grant conditional permission to the Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat with 60 seats in BAMS (UG) course under Section 29 of NCISM, Act 2020 and relevant regulations thereunder, which was communicated to the college vide MARB letter ref. no 4-118/2021-Ay College and dated 06.12.2022.

2. Thereafter, an appeal dated 18.12.2021 has been received in the commission against the conditional permission issued for 60 UG BAMS seats dated 06.12.2022 issued by Medical Assessment and Rating Board which was placed before Chairman, NCISM and Chairman, constituted a committee comprising the following members to hear the appeal:-

1. Dr. Sreenivasa Prasad Buduru, President, Board of Ayurveda.
2. Dr. K Jagannathan, President, Board of Unani, Siddha and Sowa-Rigpa.

Accordingly, letter has been sent to the college vide Commission's letter dated 31.12.2021 to appear before the designated hearing committee on dated 03.01.2022 in respect of appeal filed by the college.

The proceedings of hearing was held on virtually on 03.01.2022 at 12.00 Noon and on behalf of the college, Mr. Adi jani. Vice President of Swarnim Startup and Innovation University and Dr Naveen Banarse, Principal Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat presented their submission. The hearing committee sought clarification from the representatives of the college regarding the appeal against the letter dated 06.12.2021 passed by MARB Board which is as under:-

Appeal against	Submission of the college	Observation of hearing committee
• President MARB issued conditional permission to Aarihant Ayurvedic Medical College & Research Institute,	• Point no. 1:- The present appeal under Section 24(3) of the NCISM Act 2020 is filed by Swarnim Startup and Innovation University against order dated 06.12.2021 passed by MARB, NCISM to the extent it denies the intake capacity of 40 seats to the aforesaid College for session 2021-22.	• Committee observed that Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road,

At. Bhojan Rathod,
Opp. IFFCO-Sertha
Road, Gandhinagar-
382420, Gujarat for
60 seats for the
session 2021-22

- Point no. 4:- A LOI dated 11.06.2019 to be issued in favour of the college with intake capacity of 100 seats in UG (BAMS) course from 2019-20. Since the deadline for enrolling the students was approaching fast, the college was constrained to accept the LOP for 60 students for 2019-20 issued dated 19.9.2019.
- Point no. 6:- Since no final order was being passed by Union of India (Respondent No.1), for issuance of Letters of Permission pursuant to the issuance of Letter of Intent dated 11-6-2019 and time limit for enrolling the students were also coming to an end, the erstwhile sponsoring body of the University filed a writ petition being Special Civil Application No. 15349 of 2019 before this Hon'ble Court praying therein for issuance of Letter of Permission with intake capacity of 100 seats for academic year 2019-2020 for the College. The aforesaid writ petition was filed on 9-9-2019.
- Point No. 7:- Pending adjudication of the aforesaid petition, the college was informed by Union of India that it could issue Letter of Permission for 60 students only as opposed to the original demand of 100 seats for academic year 2019-2020. Since, the deadline for enrolling the students was approaching fast, the College was constrained to accept the Letter of Permission for 60 students for academic year 2019-2020 as the non-acceptance of the said proposal would have resulted into wastage of one year causing immense financial loss to the Petitioner. An affidavit dated 11-09-2019 was filed on behalf of college, whereby it was conveyed that it was accepting the Letter of Permission for 60 seats at that stage in view of delay being caused in admission process.
- Point No. 9:- In view of the issuance of the aforesaid Letter of Permission dated 19-9-2019 by Union of India for academic year 2019-2020 with intake capacity of 60 seats and in the College thought it fit to withdraw the aforesaid writ petition being Special Civil Application No. 15349 of 2019 with a liberty to challenge the order dated 19-9-2019. The petition stood disposed of as having been withdrawn. However due to paucity of time and taking pragmatic approach of the situation, the Petitioner decided not to challenge aforesaid order dated 19-9-2019 passed by Union of India since it was not possible to get the final result either way before the conclusion of Admission Process for academic year 2019-2020. Hereto annexed and marked as Annexure "D" is order dated 10-10-2019 passed by this Hon'ble Court in Special Civil Application No.15349 of 2019.
- Point no. 12:- The University, being aggrieved by and dissatisfied with order dated 25-1-2021 passed by Union of India, to the extent it denied the intake of 40 seats to the College of the University in the discipline of Ayurveda for BAMS course for Academic Year 2020-2021, filed a writ petition being 2654 of 2021 before Hon'ble High Court of Gujarat and challenged the aforesaid order therein. By way of interim relief 7(B), which is reproduced herein below, the University prayed for being permitted to enrol 100 students for Academic Year 2020-2021. "7-B" Pending admission, hearing and final disposal of this petition, this Hon'ble Court be pleased to permit the Petitioner to admit students in respect of its constituent college, being Aarohant

Gandhi Nagar-382420, Gujarat College was granted LOI for 100 seats in UG BAMS course from the session 2019-20 by the erstwhile CCIM. Further GOI, Ministry of AYUSH, granted LOP for 60 seats to the said college for 60 seats from the session 2019-20. However college has also applied for 100 seats in UG BAMS course, thereafter for the session 2020-21 Ministry of AYUSH granted permission to the college for 60 seats in UG BAMS course. In respect of permission granted by ministry of AYUSH college has challenged vide application no. 2654 of 2021 dated 20.02.2021 before Hon'ble High Court of Gujarat and Hon'ble Court in its interim order dated 20.02.2021 held that "There shall be an interim relief in terms of Para 7(B). It is clarified that the constituent college Aarohant Ayurvedic Medical College & Research Institute shall be treated as eligible to grant admission to students in the B.A.M.S Course with intake capacity of 100 seats for the academic year 2020-21 through the Admission Committee for professional undergraduate medical education courses respondent No.3. It is further clarified that the students admitted in excess of 60 seats shall be informed that their admission is conditional and subject to the outcome of the present petition".

- The representatives of the Aarohant Ayurvedic Medical College & Research Institute also submitted before hearing committee that the college is fulfilling the criteria for 100 UG seats right from the beginning

Ayurvedic Medical College & Research Institute, for imparting education in the discipline of Ayurveda at the level of graduation leading to the B.A.M.S. with the intake of 100 seats for academic year 2020-2021 on such terms and condition, which the Hon'ble Court may deem fit.

- Point No. 13:- The Hon'ble High Court of Gujarat, vide interim order dated 20-2-2021 granted interim relief in terms of para 7-B, which is reproduced herein above. The aforesaid order was passed by Hon'ble High Court of Gujarat upon being satisfied that the College of the University possessed requisite infrastructure for imparting education for 100 students. Pursuant to the aforesaid order, the College enrolled 100 students for the course of BAMS for academic year 2020-2021. Those students are prosecuting their studies at present.
- Point No. 14:- For the purpose of applying for renewal of permission for the AY 2021-22, the College submitted its Standard Information Form (Part-1) on the designated portal of the erstwhile Central Council of Indian Medicine on 7-7-2021. The date so filled in Part 1 was for 100 students as the College possessed requisite infrastructure for 100 students and for last academic year 2020-2021, the Hon'ble High Court of Gujarat, vide interim order dated 20-2-2021, permitted the College to enrol 100 students, upon being satisfied that the College had requisite infrastructure for 100 seats. As such, the copy of order dated 20-2-2021 passed by Hon'ble High Court of Gujarat in Special Civil Application No. 2654of2021 was uploaded by the College on online web portal in Part I at the time of applying for renewal of Permission for Academic Year 2021-2022.
- Point No. 16:- Since there was no material change in the setup of the College in terms of its infrastructure and teaching staff, the College was expecting letter for renewal of permission for the AY 2021-22 with intake capacity of 100 seats for BAMS (UG).
- Point No. 17:- The Medical Assessment and Rating Board for Indian System of Medicine, vide an order dated 06-12-2021, granted renewal of permission to Aarohant Ayurvedic Medical College & Research Institute for SAMS (UG) for the AY 2021-22 with intake capacity to 60 seats.
- Point No. 18:- The University, being aggrieved by and dissatisfied with the order dated 6-12-2021 passed by the Medical Assessment and Rating Board for Indian System of Medicine in respect of Aarohant Ayurvedic College & Research Institute, a constituent college of Swarnim Startup and Innovation University to the extent it denies the intake capacity of 40 seats to the aforesaid College of the above numbered University in the discipline of BAMS (UG) course for the Academic Year 2021-2022, begs to file the present appeal under Section 24 (3) of the National Commission for Indian System of Medicine Act, 2020 on following amongst the other grounds, which may be urged at the time of hearing of the present Appeal
- Point no. 20:- In premise therefore, the University prays as under:-
 - a. To quash and set-aside the order dated 6-12-2021 passed by the Medical Assessment and Rating Board for Indian System of Medicine in

with 100 bed in hospital. As per the submission made by the college, Committee observed that College is having the sufficient infrastructure, Teaching and other Staff as per Minimum requirement of RMS, 2016 for 100 seats intake.

Therefore in view of above committee observed that the college is fulfilling the criteria required for the 100 seats in UG (BAMS) course

	<p>respect of Aarohant Homoeopathic Medical College & Research Institute, a constituent college of Swarnim Startup and Innovation University to the extent it denies the intake capacity of 40 seats to the aforesaid College of the above numbered University in the discipline of BAMS (UG) course for the Academic Year 2021-2022 and be further pleased to grant renewal of Permission to the aforesaid constituent college of the University with the intake capacity of 100 seats for BAMS (UG) for Academic Year 2021-2022;</p> <p>b. Pending admission, disposal and final hearing of the present Appeal, the constituent college of the University be pleased to be granted renewal of permission to the aforesaid constituent college of the University, namely Aarohant Ayurvedic Medical College & Research Institute, with the intake capacity of 100 seats for BAMS (UG) for Academic Year 2021-2022.</p>	
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Hence, in view of above the committee recommends to consider the appeal of Aarohant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat, and recommends to grant permission in UG (BAMS) course with 60 seats instead of 100 seats in UG (BAMS) course from the academic session 2021-2022.

3. Therefore, the recommendation of hearing committee has been placed before Chairman, National Commission for Indian System of Medicine and it has been decided by the Chairman, National Commission for Indian System of medicine to consider the recommendation and decided to **grant conditional permission to Aarohant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat for grant of permission for 100 seats instead of 60 seats in UG BAMS course from the session 2021-22** subject to the following conditions:-
 - I. The fulfillment of conditions as specified in the Undertaking/Indemnity bond submitted by the college.
 - II. The college shall submit an undertaking in the 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 Provisions Act, 1952 & ESI Act, 1948 and relevant Rules and Regulations.
4. It is further informed that minimum 15% of undergraduate seats of the permitted intake capacity of 60 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 as designated by Central Government for A.Y. 2021-22 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/NCISM for all India quota or the students admitted thereunder.
5. Admissions made in violation of the above conditions will be treated as invalid and action will be initiated under NCISM Act & Regulations thereunder.
6. Discrepancies, if any, may be immediately brought to the notice of National Commission for Indian System of Medicine.
7. The following requirements should be fulfilled by the college before applying for the next academic year (before opening of part-1, visitation proforma) to get permission for the session 2022-23:
 - (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);
 - (iii) all the requirements under the provisions of the NCISM Act, 2020 and relevant Regulations made thereunder should be fulfilled in to;

8. 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 President, Medical Assessment and Rating Board for Indian System of Medicine. The Medical Assessment and Rating Board for Indian System of Medicine will verify that the conditions have been fulfilled for considering the permission from the academic session 2022-23.

9. This is issued with the approval of Competent Authority.

RBS
17-1-22

(Dr. Raghurama Bhatta U.)
Secretary I/c
(NCISM)

Copy to:

- (i) The Chairperson, NCISM, 61-65 Institutional Area, Opp.'D' Block, Janakpuri, Delhi-110058 for information and necessary action for the next academic session.
- (ii) Secretary to the Govt. of India, Ministry of AYUSH, Ayush Bhawan, B-Block GPO Complex, INA, New Delhi 110023.
- (iii) The Additional Chief Secretary (Public Health & Family Welfare) Department of Health & Family Welfare, Government of Gujarat Block No 5, 1st Floor old Sachivalay. Dr. Jivraj Mehta Bhavan, Sector No.10, Gandhinagar-382010, Gujarat for information and necessary action.
- (iv) The Registrar, Gujarat Ayurved University, Chanakya Bhavan, Jamnagar-361008, Gujarat for information and necessary action.
- (v) Guard File.

(Dr. Raghurama Bhatta U.)
Secretary I/c
(NCISM)



R. Patel

Registrar
Swarnim Startup & Innovation University
At : Boyan Rathod, Gandhinagar.



Ref. No. SWARRNIM/RO/AYURVEDA/2021/27

Date: 09.04.2021

To,
The Principal,
Aarihant Ayurvedic Medical College & Research Institute,
Swarnnim Startup & Innovation University
Gandhinagar

Subject: Letter of constituent institute for academic year 2021-22

Dear Sir,

The Swarnnim Startup & Innovation University is a private University established under Gujarat Private University Act No. 10 of 2017 and received Notification from state Government of Gujarat having Registration no. GH/SH/12/EPU/2017/10/KH1 dated 31st March, 2017. As per the letter from Education Department, Sachivalaya, Gandhinagar having GH/SH/35/EPU/2017/68/KH1 dated 6th May 2017 stating that all the existing Institutes in the University and newly initiated college from the academic year 2017-18, is the constituent college of the University.

The "Aarihant Ayurvedic Medical College & Research Institute" is the constituent college of this University from the Academic Year 2019-20.

The following are the details of program:

Sr. No	Name of Institute	Name of Degree/ Program	Intake	Academic Year	Affiliation University
1	Aarihant Ayurvedic Medical College & Research Institute	Under Graduate (BAMS)	100 Seats	2021-22	Swarnnim Startup & Innovation University

Thanking you for your kind information and record please.


Registrar
Swarnnim Startup & Innovation University
At.: Bhojan Rathod, Gandhinagar.

Copy to: 1. Hon'ble Provost, SSIU

2. Principal, Aarihant Ayurvedic Medical College & Research Institute
3. Guard Copy



Swarnnim Startup & Innovation University

+91 - 95123 43333 | info@swarnnim.edu.in | www.swarnnim.edu.in

At Post Bhojan Rathod, Nr. ONGC WSS, Opp. IFFCO Adalaj-Kalol Highway, Gandhinagar, Gujarat - 382420

संख्या/ F.No.L-14014/349/2020-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: 25.01.2021

To

The Principal,
Arihant Ayurvedic Medical College & Research Institute,
At.Bhoyan Rathod, Opp.IFFCO-Sertha Road,
Gandhinagar-382420
Mobile No.: 9998812988
E-mail: registrar@swarnnim.edu.in

Sub: **Grant of Conditional Permission to Arihant Ayurvedic Medical College & Research Institute, At.Bhoyan Rathod, Opp.IFFCO-Sertha Road, Gandhinagar-382420 for admission with 60 seats in UG (BAMS) course for the academic session 2020-21 under section 13A/13C of the IMCC Act, 1970- reg.**

Sir/Madam,

I am directed to refer to the Ministry's letter No. R-12011/22/2017-EP-1 dated 19.09.2019 related to admission matter for the academic year 2019-20, intimating certain requirements to be fulfilled by the college for consideration of permission for the academic session 2020-21.

2. Further, refer to the CCIM's letter with Ref. No. 26-128/2020-Ay. dated 15.12.2020 forwarding therewith recommendation of the college to the Central Government based on thorough examination of the visitation report Part-I, indemnity bond, affidavit & latest details of teaching, non-teaching and hospital staff submitted by the college along with the assessment report, as the physical verification by conduction of inspection could not be carried out in view of present COVID-19 pandemic situation for the A.Y. 2020-21. On examining the same, certain deficiencies have been observed and therefore, under provisions of the first proviso to sub-section (5) of Section 13A of the IMCC Act, 1970, an opportunity of hearing was granted to the college on 30.12.2020 to present the case through virtual mode.

3. The observations of hearing committee based on submission made by the college representatives during hearing and recommendations & assessment report of the CCIM and the Council's letter dated 05.01.2021 of revised status of teachers 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 found that the College is fulfilling notified and approved criterion for granting Conditional Permission for UG (BAMS) course

Bala Jitkey

4. It has, therefore, been decided by the Central Government to grant Conditional Permission to Aриhant Ayurvedic Medical College & Research Institute, At.Bhoyan Rathod, Opp.IFFCO-Sertha Road, Gandhinagar-382420 for admission with 60 seats in UG (BAMS) course 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

5. 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.**

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

7. 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) if 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 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);
- (iii) all the requirements under the provisions of the IMCC Act, 1970 and relevant Regulations made thereunder 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.

B. S. Jindal
25/1/21

10. This issues with the approval of Competent Authority.

Yours faithfully,

Shiela Tirkey

(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 Under Secretary to Government of Gujrat, Health and Family Welfare Department, Sachivalaya, Gandhinagar-382010. Gujarat for information and necessary action.
- iii. The Registrar, Gujarat Ayurved University, Chanakya Bhavan, Jamnagar-361008, Gujarat for information and necessary action.

Shiela Tirkey
25/11/21 ✓

(Shiela Tirkey)

Under Secretary to Government of India

Sh

Boyan Rathod

Registrar
Swarnim Startup & Innovation University
At : Boyan Rathod, Gandhinagar.

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2654 of 2021**

SWARNIM STARTUP AND INNOVATION UNIVERSITY**Versus
UNION OF INDIA**

Appearance:

MR. JIGAR M PATEL (3841) for the Petitioner(s) No. 1

MR. K MANTANI (6547) for the Respondent(s) No. 3

NOTICES SERVED BY DS(5) for the Respondent(s) No. 1, 2

CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV**Date: 20/02/2021****CAVORDER**

1 Heard Mr. Dhaval Dave, learned Senior Counsel with Mr. Jigar Patel, learned advocate and Mr. Siddharth Dave, learned advocate for Mr. Devang Vyas, learned Additional Solicitor General.

2 Challenge in this petition is to an order dated 25.01.2021 passed by the respondent No.1 insofar as it denies the intake of 40 seats to the constituent college of the petitioner, namely, Aarihant Ayurvedic Medical College & Research Institute in the discipline of Ayurveda to the educational qualification of B.A.M.S for the academic year 2020-2021. The case in brief is that pursuant to an inspection carried out, a letter of intent was issued on 11.06.2019 in favour of the college run by the petitioner University with the

intake capacity of 100 seats in UG(B.A.M.S Course) from academic year 2019-2020. On 17.07.2019, the petitioner was asked to remain present before the hearing committee on 22.07.2019 where the college was able to establish a college to run the course for 100 seats. Since no decision was taken, SCA 15349 of 2019 was filed for a direction. Since permission was given for 60 students as opposed to the original demand of 100 seats for A.Y 2019-20. The petition was withdrawn with a liberty to challenge the order.

2.1 On 13.12.2019, on line application for extension of permission with intake capacity of 100 seats was made. On 28.12.2020, the college was issued a show cause notice to remain present on 30.12.2020. Written submissions were filed, however, by the impugned order permission has been granted for 60 seats denying intake capacity to the extent of 40 seats.

3 Mr.Dhaval Dave, learned Senior Advocate would submit that the college has facility for 100 seats and there are no deficiencies whatsoever pointed out in the impugned order to suggest why the permission is restricted for 60 seats.

4 Mr.Siddharth Dave, learned counsel would support the order of restricting the intake capacity to 60 seats.

5 Perusal of the impugned order would indicate that there are no deficiencies pointed out or short comings listed to suggest reasons as to why, though the college had asked for permission for an intake capacity of 100, the permission has been granted only for 60 seats.

6 From the request made by the college for 100 seats it is evident that the petitioner is continuously maintaining a hospital college teaching staff for 100 seats from the A.Y 2019-20. The details of which were submitted by the college. Bereft of any reasons as to why, the institution has been granted intake of only 60 seats is therefore prima facie without application of mind. Considering these aspects, Rule returnable on 15.06.2021. There shall be interim relief in terms of para 7(B). It is clarified that the constituent college Arihant Ayurvedic Medical College & Research Institute shall be treated as eligible to grant admission to students in the B.A.M.S Course with intake capacity of 100 seats for the academic year 2020-21 through the Admission Committee for professional undergraduate medical education courses – respondent No.3. It is further clarified that the students admitted in

excess of 60 seats shall be informed that their admission is conditional and subject to the outcome of the present petition.

BIMAL

(BIRENVAISHNAV,J)



Registrar
Swarmim Startup & Innovation University
At : Boyan Rathod, Gandhinagar.



SWARNIM

STARTUP & INNOVATION

UNIVERSITY

WHERE IDEAS COME ALIVE

Ref no: SSIU LRO/Ayurveda/2020/2022

Date: 28-12-2020

To,
The Principal,
Aarihant Ayurvedic Medical College and Research Institute,
Swarnim Startup & Innovation University
Gandhinagar

Subject: Letter of constituent institute for academic year 2020-21

Dear Sir,

The Swarnim Startup & Innovation University is a private University established under Gujarat Private University Act No. 10 of 2017 and received Notification from state Government of Gujarat having Registration no. GH/SH/12/EPU/2017/10/KH1 dated 31st March, 2017. As per the letter from Education Department, Sachivalaya, Gandhinagar having GH/SH/35/EPU/2017/68/KH1 dated 6th May 2017 stating that all the existing Institutes in the University and newly initiated college from the academic year 2017-18, is the constituent college of the University.

The "Aarihant Ayurvedic Medical College and Research Institute," is the constituent college of this University from the Academic Year 2019-20.

The following are the details of program:

Sr. No	Name of Institute	Name of Degree/ Program	Intake	Academic Year	University
1	Aarihant Ayurvedic Medical College and Research Institute	Under Graduate (BAMS)	100	2020-21	Swarnim Startup & Innovation University

This is for your kind information and record please.

Thanking You,


Registrar
Registrar
Swarnim Startup & Innovation University
At.: Bhojan Rathod, Gandhinagar.



- Copy to:
1. President, Swarnim Startup & Innovation University
 2. Provost, Swarnim Startup & Innovation University
 3. Principal, Aarihant Ayurvedic Medical College and Research Institute
 4. Guard file/File copy

+91 - 95123 43333 | info@swarnim.edu.in | www.swarnim.edu.in

Managed By : G P Jain Charitable Trust

At Post Bhojan Rathod, Nr ONGC WSS, Opp. IFFCO Adalaj-Kalol Highway, Gandhinagar, Gujarat - 382420

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 2654 of 2021

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE BHARGAV D. KARIA

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	NO
2	To be referred to the Reporter or not ?	NO
3	Whether their Lordships wish to see the fair copy of the judgment ?	NO
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	NO

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SWARNIM STARTUP AND INNOVATION UNIVERSITY
 Versus
 MEDICAL ASSESSMENT AND RATING BOARD FOR INDIAN SYSTEM OF
 MEDICINE

=====

Appearance:

MR DHAVAL DAVE, SENIOR ADVOCATE WITH MR JIGAR M PATEL(3841)
 for the Petitioner(s) No. 1

DELETED for the Respondent(s) No. 2

MR HARSHEEL D SHUKLA(6158) for the Respondent(s) No. 1

MR. KM ANTANI(6547) for the Respondent(s) No. 3

=====

CORAM: HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 28/03/2022

ORAL JUDGMENT

Heard learned Senior Advocate Mr.Dhaval Dave assisted by learned advocate Mr.Jigar Patel for the petitioner, learned advocate Mr.Harsheel Shukla for the respondent No.1 and learned

advocate Mr.K.M. Antani for the respondent No.3.

2. By this petition under Article 226 and 227 of the Constitution of India, the petitioner has prayed for the following reliefs :

"A) This Hon'ble Court be pleased to issue a writ of or in the nature of Certiorari or any other appropriate writ, order or direction quashing and setting order dated 25-1-2021 passed by Union of India through the Ministry of AYUSH (Respondent No.1) (Annexure "A"), in so far as it denies the intake of 40 seats to the constituent college of the petitioner being Aarihant Ayurvedic Medical College & Research Institute in the discipline of Ayurveda at the level of graduation leading to the educational qualification of B.A.M.S. for academic year 2020-2021 and be further pleased to direct Union of India (Respondent No.1) to issue forthwith the another Letter of Permission under Section 13-A(5) read with Section 13-A(6) of the Indian Medicine Central Council Act, 1970 in respect of the constituent college of the petitioner, being Aarihant Ayurvedic Medical College & Research Institute, for imparting education in the discipline of Ayurveda at the level of graduation leading to the educational qualification of B.A.M.S. with the intake of 100 seats with effect from the academic year 2020-2021;

B) Pending admission, hearing and final disposal of this petition, this Hon'ble Court be pleased to permit the petitioner to admit students in respect of its constituent college, being Aarihant Ayurvedic Medical College & Research Institute, for imparting education in the discipline of Ayurveda at the level of graduation leading to the educational qualification of B.A.M.S. with the intake of 100 seats for academic year 2020-2021 on such terms and conditions, which the Hon'ble Court may deem fit;

C) Such other(s) and further relief(s) which this

Hon'ble Court may deem fit to be granted in the interest of justice."

3. The brief facts of the case are as under :

3.1 The petitioner University is running Aarihant Ayurvedic Medical College & Research Institute as one of its constituent colleges imparting education in the subject of Ayurveda.

3.2 Prior to the establishment of the petitioner as a private University, the sponsoring body thereof moved an application dated 27th April, 2017 under Section 13(A) of the Indian Medicine Central Council Act, 1970 (for short "the Act, 1970") seeking permission to establish an Ayurveda college in the name style of Aarihant Ayurvedic Medical College & Research Institute at the level of graduation.

3.3 Central Council of Indian Medicine is now replaced by Medical Assessment and Rating Board for Indian System of Medicine in view of coming into force of the National Commission for Indian System of Medicine Act, 2020 (for short "the Act, 2020"). Under the provisions of the Act, 2020, the Central Council of Indian Medicine has been abolished and powers under Section 13(A) of the Act, 1970 have been transferred under Section 29 of the Act, 2020 to Medical Assessment and Rating Board for Indian System of Medicine, an autonomous Board constituted under Section 18 of the Act, 2020.

3.4 It is the case of the petitioner that the erstwhile Central Council of Indian Medicine issued a Letter of Intent dated 11th June, 2019 in favour of the proposed college to be run by the petitioner University with intake capacity of 100 seats in UG (B.A.M.S.) course from the academic year 2019-2020 subject to fulfillment of usual conditions set out in the said Letter of Intent for the purpose of issuance of final Letter of Permission.

3.5 The petitioner thereafter became a private University under the provisions of the Gujarat Private Universities Act, 2009 and the Aarihant Ayurvedic Medical College & Research Institute so permitted to be established became a constituent college of the petitioner University.

3.6 It appears that by letter dated 17th July, 2019 issued by the Ministry of Ayush, the petitioner University was called upon to remain present before the Hearing Committee on 22nd July, 2019 to show cause as to why the Letter of Permission should not be issued in favour of the proposed college for various shortcomings mentioned in the said communication.

3.7 During the course of hearing which took place on 22nd July, 2019, the petitioner pointed

out that there existed no deficiencies as mentioned in the show-cause notice and the college possessed requisite infrastructure for 100 seats.

3.8 The petitioner thereafter preferred Special Civil Application No.15349 of 2019 on 9th September, 2019 as no final order was passed after the hearing was completed and the time limit for enrolling the students was also coming to an end.

3.9 During the pendency of the aforesaid writ petition the college was informed by the Ministry of Ayush that it could issue Letter of Permission for 60 students only as against the demand of 100 seats for the academic year 2019-2020. The college, however, with a view to see that one year is not wasted as it would cause immense financial loss to the petitioner, accepted the Letter of Permission for 60 students for the academic year 2019-2020 as the dead-line for enrolling the students was approaching fast.

3.10 The petitioner filed an affidavit dated 11th September, 2019 in the aforesaid writ petition stating that it would accept the Letter of Permission for 60 students in view of the delay being caused in the admission process.

3.11 The Ministry of Ayush issued Letter of

Permission on 19th September, 2019 to the erstwhile sponsoring body of the petitioner University in respect of the college with intake capacity of 60 seats for the academic year 2019-2020 relying upon the affidavit dated 11th September, 2019.

3.12 The college of the petitioner thereafter withdrew the aforesaid writ petition with a liberty to challenge the order dated 19th September, 2019.

3.13 The petitioner thereafter submitted requisite data in prescribed format on-line on 31st December, 2019 for extension of permission with intake capacity of 100 students for the academic year 2020-2021 before the erstwhile Central Council of Indian Medicine.

3.14 On 15th December, 2020, the petitioner also requested to grant permission of additional 40 seats in addition to 60 seats for the academic year 2020-2021.

3.15 The Ministry of Ayush called upon the petitioner by issuing show-cause notice dated 28th December, 2020 to show cause as to why the permission to grant admission in UG (B.A.M.S.) course should not be denied to the college for various deficiencies mentioned in the show-cause notice.

3.16 The petitioner, in response to the aforesaid show-cause notice, addressed an email to the Secretary of Ayush requesting him to grant permission for 100 seats instead of 60 seats for the academic year 2020-2021.

3.17 On 30th December, 2020, the petitioner attended the virtual hearing and submitted all relevant materials in support of its stand that none of the deficiencies pointed out in the show-cause notice were in existence.

3.18 It is the case of the petitioner that having accepted the stand of the petitioner that there existed no deficiencies as mentioned in the show-cause notice and having been satisfied that the college of the petitioner is fully functioning having requisite infrastructure, the Union of India through Ministry of Ayush vide order dated 25th January, 2021 granted the permission in respect of the college of the petitioner with intake capacity of 60 seats for the academic year 2020-2021 for B.A.M.S. course, instead of 100 seats demanded by the petitioner denying the intake capacity to the extent of 40 seats to the college.

3.19 The petitioner, being aggrieved and dissatisfied by the order dated 25th January, 2021 so far as it denied the intake of 40 seats to the

college of the petitioner for UG (B.A.M.S.) course for the academic year 2020-2021, has preferred this petition with the aforesaid prayers.

4. This Court (Coram: Honourable Mr. Justice Biren Vaishnav) passed the following order on 20th February, 2021 :

"1 Heard Mr. Dhaval Dave, learned Senior Counsel with Mr. Jigar Patel, learned advocate and Mr. Siddharth Dave, learned advocate for Mr. Devang Vyas, learned Additional Solicitor General.

2 Challenge in this petition is to an order dated 25.01.2021 passed by the respondent No.1 insofar as it denies the intake of 40 seats to the constituent college of the petitioner, namely, Aarihant Ayurvedic Medical College & Research Institute in the discipline of Ayurveda to the educational qualification of B.A.M.S for the academic year 2020-2021. The case in brief is that pursuant to an inspection carried out, a letter of intent was issued on 11.06.2019 in favour of the college run by the petitioner University with the intake capacity of 100 seats in UG(B.A.M.S Course) from academic year 2019-2020. On 17.07.2019, the petitioner was asked to remain present before the hearing committee on 22.07.2019 where the college was able to establish a college to run the course for 100 seats. Since no decision was taken, SCA 15349 of 2019 was filed for a direction. Since permission was given for 60 students as opposed to the original demand of 100 seats for A.Y. 2019-20. The petition was withdrawn with a liberty to challenge the order.

2.1 On 13.12.2019, on line application for extension of permission with intake capacity of 100 seats was made. On 28.12.2020, the college was issued a show cause notice to remain present on 30.12.2020. Written submissions were filed, however, by the

impugned order permission has been granted for 60 seats denying intake capacity to the extent of 40 seats.

3 Mr.Dhaval Dave, learned Senior Advocate would submit that the college has facility for 100 seats and there are no deficiencies whatsoever pointed out in the impugned order to suggest why the permission is restricted for 60 seats.

4 Mr.Siddharth Dave, learned counsel would support the order of restricting the intake capacity to 60 seats.

5 Perusal of the impugned order would indicate that there are no deficiencies pointed out or short comings listed to suggest reasons as to why, though the college had asked for permission for an intake capacity of 100, the permission has been granted only for 60 seats.

6 From the request made by the college for 100 seats it is evident that the petitioner is continuously maintaining a hospital college teaching staff for 100 seats from the A.Y. 2019-20. The details of which were submitted by the college. Bereft of any reasons as to why, the institution has been granted intake of only 60 seats is therefore prima facie without application of mind. Considering these aspects, Rule returnable on 15.06.2021. There shall be interim relief in terms of para 7(B). It is clarified that the constituent college Arihant Ayurvedic Medical College & Research Institute shall be treated as eligible to grant admission to students in the B.A.M.S Course with intake capacity of 100 seats for the academic year 2020-21 through the Admission Committee for professional undergraduate medical education courses - respondent No.3. It is further clarified that the students admitted in excess of 60 seats shall be informed that their admission is conditional and subject to the outcome of the present petition."

5. Learned Senior Advocate Mr.Dhaval Dave assisted by learned advocate Mr.Jigar Patel appearing for the petitioner, at the outset, submitted that during the pendency of this petition, the academic year 2020-2021 got over. It was submitted that in view of the aforesaid interim relief granted by this Court, the college of the petitioner admitted 100 students.

5.1 It was further submitted that thereafter the college of the petitioner was required to apply for renewal of the permission for the academic year 2021-2022. The newly formed Medical Assessment and Rating Board for Indian System of Medicine for the academic year 2021-2022, however, sanctioned the intake capacity of 60 seats by an order dated 6th December, 2021.

5.2 It was pointed out that the petitioner being aggrieved and dissatisfied with the order dated 6th December, 2021 passed by the Medical Assessment and Rating Board for Indian System of Medicine filed an appeal under Section 24(3) of the Act, 2020 before the National Commission for Indian System of Medicine.

5.3 Learned Senior Advocate Mr.Dave referred to and relied upon the order dated 17th January, 2022 passed by the National Commission for Indian System of Medicine allowing the aforesaid appeal of the petitioner and by sanctioning the intake

capacity of 100 seats to the college of the petitioner University for the academic year 2021-2022. It was further submitted that issuance of renewal of permission for the academic year 2021-2022 with intake capacity of 100 seats further fortifies the contention of the petitioner that the alleged deficiencies on the basis of which the impugned order was passed for the academic year 2020-2021 does not exist in the setup of the college of the petitioner.

5.4 Learned Senior Advocate Mr.Dave referred to the order dated 17th January, 2022 passed by the National Commission for Indian System of Medicine, and more particularly, the observation of the Hearing Committee recorded in the said order to point out that the Hearing Committee has considered that the Aarihant Ayurvedic Medical College & Research Institute is fulfilling the criteria for 100 UG seats right from the beginning with 100 beds in hospital and having sufficient infrastructure, teaching and other staff as per the minimum requirement of RMS, 2016 for 100 seats intake. The Hearing Committee therefore, observed that the college is fulfilling the criteria required for the 100 seats in UG (B.A.M.S.) course. Considering the observation of the Hearing Committee, the National Commission sanctioned the intake capacity of 100 students to the college of the petitioner University for the academic year 2021-

2022 on various conditions stated in the said order.

5.5 Learned Senior Advocate Mr.Dave therefore, submitted that the interim order granted by this Court permitting the college of the petitioner to admit 100 students be continued as final order as in the subsequent year the National Commission has granted permission for intake capacity of 100 students in view of the finding of the Hearing Committee that there existed no deficiency for 100 beds with the college of the petitioner right from the beginning.

6. Learned advocate Mr.Harsheel Shukla appearing for the Medical Assessment and Rating Board for Indian System of Medicine could not controvert the above facts.

7. Considering the fact that the National Commission has already sanctioned intake capacity of 100 seats for the next academic year i.e. 2021-2022, the interim relief granted by this Court for the academic year 2020-2021 is required to be treated as final relief in view of the fact that there existed no deficiency for intake capacity of 100 seats in the college of the petitioner University right from the beginning, as observed by the Hearing Committee.

7.1 The findings given by the National Commission for granting sanction for intake capacity of 100 seats for the academic year 2021-2022 are as under :

Appeal against	Submission of the college	Observation of hearing committee
<p>President MARB issued conditional permission to Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat for 60 seats for the session 2021-22</p>	<p><u>Point no.1:-</u> The present appeal under Section 24(3) of the NCISM Act 2020 is filed by Swarnim Startup and Innovation University against order dated 06.12.2021 passed by MARB, NCISM to the extent it denies the intake capacity of 40 seats to the aforesaid College for session 2021-22.</p> <p><u>Point no. 4:-</u> A LOI dated 11.06.2019 to be issued in favour of the college with Intake capacity of 100 seats in UG (BAMS) course from 2019-20. Since the deadline for enrolling the students was approaching fast, the college was constrained to accept the LOP for 60 students for 2019-20 issued dated 19.09.2019.</p> <p><u>Point no.6:-</u> Since no final order was being passed by Union of India (Respondent No.1), for issuance of Letters of Permission pursuant to the</p>	<p>Committee observed that Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat Gandhi Nagar 382420, Gujarat College was Granted LOI for 100 seats in UG BAMS course from the session 2019-20 by the erstwhile CCIM. Further GOI, Ministry of AYUSH, granted LOP for 60 seats to the said college for 60 seats from the session 2019-20. However, college has also applied for 100 seats in UG BAMS course, thereafter for the session 2020-21. Ministry of AYUSH granted permission to the college for 60 seats in UG BAMS course. In respect of permission granted by ministry of AYUSH college has</p>

	<p>issuance of Letter of Intent dated 11-6-2019 and time limit for enrolling the students were also coming to an end, the erstwhile sponsoring body of the University filed a writ petition being Special Civil Application No. 15349 of 2019 before this Hon'ble Court praying therein for issuance of Letter of Permission with intake capacity of 100 seats for academic year 2019-2020 for the College. The aforesaid writ petition was filed on 9-9-2019.</p> <p><u>Point No.7:-</u> Pending adjudication of the aforesaid petition, the college was informed by Union of India that it could issue Letter of Permission for 60 students only as opposed to the original demand of 100 seats for academic year 2019-2020. Since, the deadline for enrolling the students was approaching fast, the College was constrained to accept the Letter of Permission for 60 students for academic year 2019-2020 as the non-acceptance of the said proposal would have resulted into wastage of one year causing immense</p>	<p>challenged vide J application no. 2654 of 2021 dated 20.02.2021 before Hon'ble' High Court of Gujarat and Hon'ble Court in its interim order dated 20.02.2021 held that "There shall be an interim relief in terms of Para 7(B). It is clarified that the constituent college Aarihant Ayurvedic Medical College & Research Institute shall be treated as eligible to grant admission to students in the B.A.M.S Course with intake capacity of 100 seats for the academic year 2020-21 through the Admission Committee for professional undergraduate medical education courses respondent No.3. It is further clarified that the students admitted in excess of 60 seats shall be informed that their admission is conditional, and subject to the outcome of the present petition".</p> <p>The</p>
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	<p>financial loss to the Petitioner. An affidavit dated 11-09-2019 was filed on behalf of college, whereby it was conveyed that it was accepting the Letter of Permission for 60 seats at that stage in view of delay being caused in admission process.</p> <p><u>Point No.9:-</u> In view of the issuance of the aforesaid Letter of Permission dated 19-9-2019 by Union of India for academic year 2019-2020 with intake capacity of 60 seats and in the College thought it fit to withdraw the aforesaid writ petition being Special Civil Application No. 15349 of 2019 with a liberty to challenge the order dated 19-9-2019. The petition stood disposed of as having been withdrawn. However due to paucity of time and taking pragmatic approach of the situation, the Petitioner decided not to challenge aforesaid order dated 19-9-2019 passed by Union of India since it was not possible to get the final result either way before the conclusion of Admission Process for academic year 2019-2020. Hereto annexed</p>	<p>representatives of the Aarihant Ayurvedic Medical College & Research Institute also submitted before hearing committee that the college is fulfilling the criteria for 100 UG seats right from the beginning with 100 beds in hospital. As per the submission made by the college, Committee observed that College is having the sufficient infrastructure, Teaching and other Staff as per Minimum requirement of RMS, 2016 for 100 seats intake.</p> <p>Therefore in view of above committee observed that the college is fulfilling the criteria required for the 100 seats in UG (BAMS) course.</p>
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	<p>and marked as Annexure "D" is order dated 10-10-2019 passed by this Hon'ble Court in Special Civil Application No.15349 of 2019.</p> <p><u>Point no.12:-</u> The University, being aggrieved by and dissatisfied with order dated 25-1-2021 passed by Union of India, to the extent it denied the intake of 40 seats to the College of the University in the discipline of Ayurveda for BAMS course for Academic Year 2020-2021, filed a writ petition being 2654 of 2021 before Hon'ble High Court of Gujarat and challenged the aforesaid order therein. By way of interim relief 7(8), which is reproduced herein below, the University prayed for being permitted to enroll 100 students for Academic Year 2020-2021. "7-B" Pending admission, hearing and final disposal of this petition, this Hon'ble Court be Pleased to permit the Petitioner to admit students in respect of its constituent college being Aarihant Ayurvedic Medical College & Research Institute, for</p>	
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	<p>imparting education in the discipline of Ayurveda at the level of graduation leading to the B.A.M.S. with the intake of 100 seats for academic year 2020-2021 on such terms and condition, which the Hon'ble Court may deem fit.</p> <p><u>Point No.13:-</u> The Hon'ble High Court of Gujarat, vide interim order dated 20-2-2021 granted interim relief in terms of para 7-8, which is reproduced herein above. The aforesaid order was passed by Hon'ble High Court of Gujarat upon being satisfied that the College of the University possessed requisite infrastructure for imparting education for 200 students. Pursuant to the aforesaid order, the College enrolled 100 students for the course of BAMS for academic year 2020-2021. Those students are prosecuting their studies at present.</p> <p><u>Point No.14:-</u> For the purpose of applying for renewal of permission for the AY 2021-22, the College submitted its Standard Information Form (Part-1) on the designated portal of the erstwhile Central</p>	
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	<p>Council of Indian Medicine on 7-7-2021. The date so filled in Part 1 was for 100 students as the College possessed requisite infrastructure for 100 students and for last academic year 2020-2021, the Hon'ble High Court of Gujarat, vide interim order dated 20-2-2021, permitted the College to enroll 100 students, upon being satisfied that the College had requisite infrastructure for 100 seats. As such, the copy of order dated 20-2-2021 passed by Hon'ble High Court of Gujarat in Special Civil Application No. 2654 of 2021 was uploaded by the College on online web portal in Part I at the time of applying for renewal of Permission for Academic Year 2021-2022.</p> <p><u>Point No.16:-</u> Since there was no material change in the setup of the College in terms of its infrastructure and teaching staff, the College was expecting letter for renewal of permission for the AY 2021-22 with intake capacity of 100 seats for BAMS (UG).</p>	
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	<p><u>Point No.17:-</u> The Medical Assessment and Rating Board for Indian System of Medicine, vide an order dated 06-12-2021, granted renewal of permission to Aarihant Ayurvedic Medical College & Research Institute for SAMS (UG) for the AY 2021-22 with intake capacity to 60 seats.</p> <p><u>Point No.18:-</u> The University, being aggrieved by and dissatisfied with the order dated 6-12-2021 passed by the Medical Assessment and Rating Board for Indian System of Medicine in respect of Aarihant Ayurvedic College & Research Institute, a constituent college of Swarnim Startup and Innovation University to the extent it denies the intake capacity of 40 seats to the aforesaid College of the above numbered University in the discipline of BAMS (UG) course for the Academic Year 2021-2022, begs to file the present appeal under Section 24 (3) of the National Commission for Indian System of Medicine Act, 2020 on following amongst the other grounds, which may be urged at the time of hearing of the present Appeal.</p>	
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	<p><u>Point no.20:-</u> In premise therefore, the University prays as under:~.</p> <p>a. To quash and set-aside the order dated 6-12-2021 passed by the Medical Assessment and Rating Board for Indian System of Medicine in respect of Aarihant Homoeopathic Medical College & Research Institute, a constituent college of Swarnim Startup and Innovation University to the extent it denies the intake capacity of 40 seats to the aforesaid College of the above numbered University in the discipline of BAMS (UG) course for the Academic Year 2021-2022 and be further pleased to grant renewal of Permission to the aforesaid constituent college of the University with the intake capacity of 100 seats for BAMS (UG) for Academic Year 2021-2022;</p> <p>b. Pending admission, disposal and final hearing of the present Appeal, the constituent college of the University be pleased to be granted renewal of permission to the aforesaid constituent college of the University, namely</p>	
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	Aarihant Ayurvedic Medical College & Research Institute, with the intake capacity of 100 seats for BAMS UG for Academic Year 2021-2022.	
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Hence, in view of above the committee recommends to consider the appeal of Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat, and recommends to grant permission in UG (BAMS) course with 60 seats instead of 100 seats in UG (BAMS) course from the academic session 2021-2022.

3. Therefore, the recommendation of hearing committee has been placed before Chairman, National Commission for Indian System of Medicine and it has been decided by the Chairman, National Commission for Indian System of medicine to consider the recommendation and decided to grant conditional permission to Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat for grant of permission for 100 seats instead of 60 seats in UG BAMS course from the session 2021-22 subject to the following conditions: -

I. The fulfillment of conditions as specified in the Undertaking/Indemnity bond submitted by the college.

II. The college shall submit an undertaking in the 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 Provisions Act, 1952 & ESI Act, 1948 and relevant Rules and Regulations."

7.2 In view of the above findings of the

National Commission for the next academic year 2021-2022, this petition deserves to be allowed by directing the respondent - Medical Assessment and Rating Board for Indian System of Medicine to pass necessary orders for increasing the intake capacity from 60 seats to 100 seats for the academic year 2020-2021 by regularizing the admission of 40 students which were granted by the college of the petitioner pursuant to the interim order passed by this Court. The college of the petitioner is also required to follow the same conditions which are imposed upon it by the National Commission for intake capacity of 100 seats for the academic year 2021-2022.

8. For the foregoing reasons the petition succeeds and is accordingly allowed. Rule is made absolute to the aforesaid extent.

(BHARGAV D. KARIA, J)

Dolly


Registrar
Swarnim Startup & Innovation University
At: Boyan Rathod, Gandhinagar.



SWARNIM

STARTUP & INNOVATION

UNIVERSITY

WHERE IDEAS COME ALIVE

Ref: SSIU/RO/414/2019

DATE: 13-06-2019

To
The Principal,
Aarihant Ayurvedic Medical College and Research Institute.

Subject: Letter of constituent college with its name and intake for Academic Year 2019-20

Dear Sir,

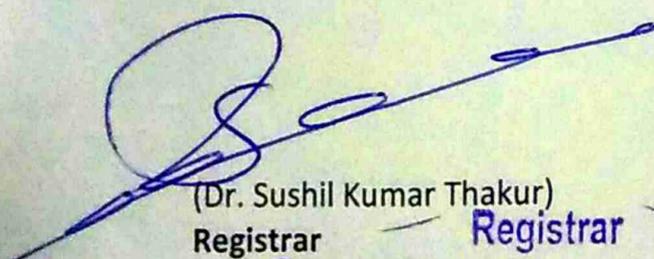
With the power of President of Swarnim Startup & Innovation University as per the letter from Education Department, Sachivalay having no: GH/SH/35/EPU/2017/68/KH1 dated 6th May 2017 and Notification received from the State Government of Swarnim Startup & Innovation University being State Private University having registration no: G/GNR/2 dated 31st March 2017. The Gazette from Gujarat Sachivalay stating that all the existing Institutes in the University and newly initiated college from the academic year 2019-20, is the constituent college of this University. "Aarihant Ayurvedic Medical College and Research Institute" is the constituent college of this University for the Academic Year 2019-20.

Below are the details:

Sr No.	Name of Constituent College	Name of UG/ PG Discipline	Course/ Branch	Intake	Academic Year	Affiliating University
1	Aarihant Aurvedic Medical College and Research Institute. At: Opp. IFFCO, Adalaj-Kalol Highway, Gandhinagar.(Guj)-382420	BAMS	Ayurvedic	100	2019-20	Swarnim Startup & Innovation University At: Opp. IFFCO, Adalaj-Kalol Highway, Gandhinagar.(Guj)-382420

This is for your information and record please.

Regards


(Dr. Sushil Kumar Thakur)
Registrar
Swarnim Startup & Innovation University
Copy to: Bhoyan Rathod, Gandhinagar.



- Provost
- President / Vice – President
- Guard file/ File copy

+91-95123 43333 | info@swarnnim.edu.in | www.swarnnim.edu.in

Managed by : G P Jain Charitable Trust

At Post Bhoyan Rathod, Nr. ONGC WSS, Opp. IFFCO, Adalaj-Kalol Highway, Gandhinagar, Gujarat - 382420

संख्या/No.R.12011/22/2017-EP (IM-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: 19.09.2019

To,

Chairman,
Gaya Prasad Jain Charitable Trust,
35, World Business House, 3rd Floor,
Near Parimal Cross, Ellis Bridge,
Ahmedabad-380006, Gujarat
Email- princeadi1990@gmail.com

Sub:- Application dated 27.04.2017 of the Chairman, Gaya Prasad Jain Charitable Trust, 35, World Business House, 3rd Floor, Near Parimal Cross, Ellis Bridge, Ahmedabad-380006, Gujarat to establish a new Ayurveda Medical College in the name of “Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420” with 60 seats (instead of 100 seats) in UG (BAMS) course, under Section 13A of the IMCC Act, 1970 from the academic session 2019-20 –
Permission Letter -reg.

Sir,

I am directed to refer to your application dated 27.04.2017, on the subject cited above, which was forwarded to the CCIM, vide Ministry's letter of even no. dated 25.05.2017, for necessary action as per the provision of IMCC act, 1970 and relevant regulations. The CCIM conducted inspection of the college on 21.07.2017, and recommended to the Central Government for disapproval of scheme and for not issuing Letter of Intent to establish new Ayurveda college in the name of 'Aarihant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420' with 100 seats in UG (BAMS) course under Section 13A of the IMCC Act, 1970 due to nonfunctional hospital and college.

2. In view of the deficiencies mentioned in CCIM visitation report, under provisions of the first proviso to sub-section (5) of section 13A of the IMCC Act, 1970, an opportunity of hearing was granted to the college on 06.03.2018, vide Hearing Notice of even no. dated 22.02.2018. During hearing it was found that the Trust could not produce sufficient documents/evidences to substantiate their claim of having required Minimum Standards to establish new Ayurveda College as mentioned in IMCC Act & relevant regulations.

Rishi Verma

3. In the meanwhile, the competent authority of this Ministry, desired re-inspection for further verification of the proposed college. Therefore, the inspection committee conducted a re-inspection of aforesaid proposed college on 02/05/2018 and submitted their visitation report to the Ministry. The Ministry examined the proposal in the light of the report of the re-visitation done by the inspection committee, and it was found that the applicant Trust was not fulfilling the eligibility criteria as per RMS, 2016 and the relevant rules and regulations.
4. Therefore, Ministry of AYUSH, vide its letter dated 13.06.2018, conveyed to the Applicant Trust of the aforesaid college, the disapproval of their application dated 27.04.2017 and denial of Letter of Intent for starting new Ayurvedic Medical College.
5. However, in compliance of order dated 31.07.2018 of Hon'ble High Court of Gujarat, another opportunity of hearing was granted on 14.08.2018. During the hearing it was found that the Trust could not produce sufficient documents/evidences to substantiate their claim of having required Minimum Standards to establish new Ayurveda College as mentioned in IMCC Act & relevant regulations. Hence, this Ministry once again with the approval of the Competent Authority, vide its letter dated 20.09.2018, conveyed to the Applicant Trust of the aforesaid college, the disapproval of their application dated 27.04.2017 and denial letter of intent for starting new Ayurvedic Medical College.
6. In compliance of order dated 19/12/2018, of Hon'ble High Court of Gujarat, in Civil Application No.15056 of 2018, the CCIM had visited the college on 05.01.2019 and issued Letter of Intent to you vide its letter No. 26-128/2017-Ay dated 13.06.2019, to establish a new Ayurveda college in the name of **Aarohant Ayurvedic Medical College & Research Institute, At. Bhojan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat** with 100 seats in UG (BAMS) course from the academic session 2019-20 under section 13A of the IMCC Act, 1970.
7. The CCIM had carried out an inspection of the institution again on 21-22.06.2019, to assess the available facilities of teaching and practical training for conducting UG (BAMS) course and to verify the compliance of shortcomings informed by the CCIM under section 13A of IMCC Act, 1970 and **forwarded its recommendations** and report to the Ministry for **not issuing Letter of Permission to establish a new ayurvedic college with 100 seats in UG(BAMS) Course, for the academic session 2019-20**. On examining the same in terms of Regulation 3 and 10 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 there-under and as per approved Standard Operative Procedures (SOPs), it is found that the College is not fulfilling notified and approved criterion for issuing Letter of Permission for conducting 100 seats in UG (BAMS) course from the academic session 2019-20.
8. The Trust has submitted representation dated 11/09/2019, and requested to consider their application to start a new ayurvedic college with 60 seats instead of 100 seats from the academic session 2019-20. Therefore, on re-examination, it is found that the college is fulfilling notified and approved criterion for issuing **Letter of Permission** for conducting 60 seats in UG (BAMS) course from the academic session 2019-20.

B. S. Verma

9. It has, therefore, been decided by the Central Government to issue Letter of Permission to Chairman, Gaya Prasad Jain Charitable Trust, 35, World Business House, 3rd Floor, Near Parimal Cross, Ellis Bridge, Ahmedabad-380006, Gujarat to establish a new Ayurveda Medical College in the name of "Aarihant Ayurvedic Medical College & Research Institute, At. Bhoyan Rathod, Opp. IFFCO-Sertha Road, Gandhinagar-382420, Gujarat" with 60 seats (instead of 100 seats) in UG (BAMS) course from the academic session 2019-20 under section 13A of the IMCC Act, 1970, subject to following conditions:

- i. The college shall submit an undertaking in form of affidavit duly notarized within one month from the date of issue of the letter, 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.
- ii. The colleges shall submit undertaking in the form of Affidavit duly notarized to get permanent registration of the Teachers/Hospital Clinical Staff/Consultant in concerned State Boards/Council where the college/hospital is located or Central Registration of the CCIM by 31st December, 2019 as per the decisions conveyed vide letters 22.03.2019 & 22.04.2019 by CCIM and decided by the High Court of Delhi in W.P. No. 2369 of 2019, which will be verified by the Council during next visitation while considering the matter for grant/denial of permission for the academic year 2020-21.

10. It is further informed that 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 quotas shall be conducted by the Central Government and counseling for the remaining 85% seats shall be conducted by the concerned Counseling Authority of that State. If any seats are not filled up in the Central Counseling, the same shall be transferred to the said Counseling Authority to admit students as per their rules/ reservation policies/norms. **The permission of the college stands withdrawn if the college fails to comply with the Central counseling for all India quota or the students admitted thereunder.**

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

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

13. The following requirements should be fulfilled by the college by 31st December, 2019 to get permission for the session 2020-21:

- (i) all the Requirements of Minimum Standard of infrastructure and teaching & training facilities as specified in Regulation 3 and 10 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*

Rishu Jirani

The college administration will ensure that sufficient qualified teachers and non-teaching staff in the college and requisite staff in the hospital, as per the relevant CCIM Regulations, are in position before the admission of the first batch of students in the 1st professional of BAMS course is made, under intimation to the Central Government and CCIM.

15. The college has to develop the requisite infrastructure for IInd, IIIrd and IVth professionals well in time as per the CCIM norms which will be verified and reported by the CCIM at least three months before the start of next professional and accordingly, the permission for taking admissions in subsequent academic session will be issued.

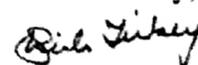
16. The college administration may take up the matter for recognition of the qualification under section 14(2) of the IMCC Act, 1970 at that time when the first batch of students admitted against the course appears for the first final professional examination of the said course.

17. 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 2020-21.

18. Please acknowledge the receipt of this letter.

19. 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 Secretary, CCIM, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, Delhi-110 058 forwarding herewith the original Performance Bank Guarantee in favour of CCIM issued by Kotak Mahindra Bank Ltd. Jodhpur Cross Road, Saatellite, Ahmedabad dated 18.09.2019 bearing No.0810IGP190053894 of Rs. 1.00 crore, valid upto 17.09.2024 (for a period of five years) for the record and keeping in safe custody. Further, to verify the requirements of infrastructure and teaching and training facilities and compliance submitted by the college in terms of the provisions under the IMCC Act, relevant regulations and instructions, the CCIM will conduct a *suo moto* inspection of the college after 31st December, 2019 and shall submit the recommendations and inspection report to the Ministry of AYUSH by the end of March, 2020 positively, so that the matter with regard to grant of permission from the academic session 2020-21 may be considered well before the start of next academic session.

F. No. R-12011/22/2017-EP (IM-1)

- ii. The Under Secretary to Government of Gujarat, Health & Family Welfare Department, Sachivalaya, Gandhinagar-382010 Gujarat for information and necessary action;
- iii. The Registrar, Gujarat Ayurved University, Chanakya Bhavan, Jamnagar-361008, Gujarat for information and necessary action.

Shiela Tirkey

(Shiela Tirkey)

Under Secretary to Government of India

Boyan Rathod

Registrar

Swarmim Startup & Innovation University
At : Boyan Rathod, Gandhinagar.