



होम्योपैथी चिकित्सा आंकलन और रेटिंग बोर्ड
Medical Assessment and Rating Board for Homoeopathy
राष्ट्रीय होम्योपैथी आयोग

National Commission for Homoeopathy

Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy
Anusandhan Bhavan

No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

Phone: (Direct) 011-28522906 Email: marbh.nch@gmail.com

Website: www.nch.org.in

75
Azadi Ka
Amrit Mahotsav



F.No.- 4-7/2023-24/NCH (MA&RB) (109-24) / 1595

Date:

121 AUG 2023

To

✓ The Principal,
Aarihant Homoeopathic Medical College and Research Institute
Bhoyan Rathod Opp IFFCO Adalaj Sertha,
Gandhinagar, Gujarat - 382420

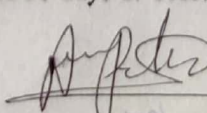
Subject: Application of Aarihant Homoeopathic Medical College and Research Institute, Bhoyan Rathod Opp IFFCO Adalaj Sertha, Gandhinagar, Gujarat - 382420 for permission with intake capacity of 100 seats in BHMS course for A.Y. 2023-24 under section 29 of NCH Act 2020 - regarding

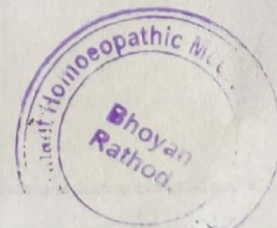
Sir,

Aarihant Homoeopathic Medical College, Gujarat has submitted an application for permission for sanction of 100 seats in BHMS course for the academic year 2023-24. The College has submitted the Part I information in which the entire functional profile has been narrated. Inspection of the college has been conducted on 28.07.2023. MARB has examined the profile of the College as to whether the college fulfils the Minimum Standard requirements to be fulfilled as per the prevailing regulations under NCH Act 2020. As per the observations made by MARBH, following lacunae are to be rectified with immediate effect. College shall fulfil all functional requirements as per the Minimum Standard requirements.

- Aadhar or Mobile number of patients were not recorded on the OPD case records and registers.
- Hospital kitchen was not separate.
- Mummified body was not available in the Anatomy department.
- USG machine was available but was in sealed position.
- Attendance of students in 2019 batch was poor on visitation day.
- IPD/OPD data, Student's details were not available on website.
- Filled case sheets not provided. Case records should be well maintained in respect of case analysis, evaluation and repertorization and made available in Medical Records Room for academic purpose of students and follow up attendance of patients. Case sheets should have complete demographic details and contact details of patients.
- OPD/IPD case sheet without ICD. Diagnosis should be written in ICD 11 criteria.

Considering the above observations, and facilities available, MARB has decided to issue permission to Aarihant Homoeopathic Medical College and Research Institute, Bhoyan Rathod Opp IFFCO Adalaj Sertha, Gandhinagar, Gujarat - 382420 for conducting BHMS course for the academic year 2023- 24 with Intake capacity of 100 seats. All shortfalls mentioned shall be rectified within a period of 30 days or before counseling initiates whichever earlier, and


Principal
Aarihant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.

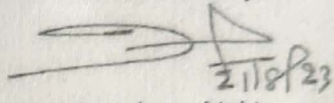


compliance report shall be submitted to the undersigned, failing which the permission issued will be withdrawn without further notice.

All admissions shall be made from NEET qualified candidates only. It is further informed that minimum 15% of seats of the permitted intake capacity of BHMS course shall be treated as All India Quota. Counseling for seats under all India quota shall be conducted by respective Counseling Authority of State/ UT govt as designated by Central Government and counseling for the remaining 85 % seats or as the case may be, shall be conducted by the concerned counseling authority of the state/UT. The permission of the college stands withdrawn if the college fails to comply with the aforesaid direction of the central govt for All India quota or the student admitted thereunder.

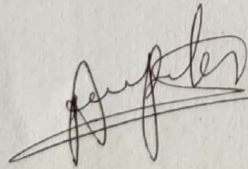
The category wise list of the selected candidates may be informed to the Medical Assessment and Rating Board for Homoeopathy after the process of admission is completed. Any admissions carried out other than NEET qualified students will not be approved by Medical Assessment and Rating Board.

Yours faithfully,


(Dr.K.R.Janardanan Nair)
President

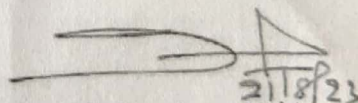
Copy to:

1. Chairperson, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058.
2. Dr. S.R.K. Vidyarthi, Director, Ministry of AYUSH, AYUSH BHAWAN 'B' Block, GPO Complex, INA, New Delhi-110023. Email id: aacec-admn-ayush@gov.in
3. President, Homoeopathy Education Board, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058
4. Principal Secretary, Health & Family Department, Government of Gujarat, 7th Floor, Block 7, Sardar Patel Bhavan, Sachivalaya, Gandhinagar - 382010, Gujarat. Email id: ayush@gujarat.gov.in
5. The Registrar, Swarnim Startup & Innovation University, At. Post - Bhoyan Rathod, Nr. ONGC WSS, Opp. IFFCO, Adalaj-Kalol Highway, Gandhinagar, Gujarat - 382420. Email: info@swarnim.edu.in
6. Legal Cell, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058



Principal
Aarohant Homoeopathic Medical College & H
Bhoyan Rathod, Gandhinagar.




(Dr.K.R.Janardanan Nair)
President



होम्योपैथी चिकित्सा आंकलन और रेटिंग बोर्ड
(Medical Assessment and Rating Board for Homoeopathy)
राष्ट्रीय होम्योपैथी आयोग
National Commission for Homoeopathy
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy
Anusandhan Bhavan
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

Letter of Permission
2022-23

Phone: (Direct) 011-
28520188
Email: marbh.nch@gmail.co
m
Website: www.nch.org.in

F. No. 4-7/2022-23/NCH(MA&RB)(109-24) / 10537

Date

28 NOV 2022

To,

The Principal
Aarihant Homoeopathic Medical College and Research Institute,
Bhoyan Rathod Opp IFFCO Adalaj Sertha,
Gandhinagar, Gujarat-382420

Sub:- Permission of Aarihant Homoeopathic Medical College and Research Institute, Bhoyan Rathod Opp IFFCO Adalaj Sertha, Gandhinagar, Gujarat-382420 for conducting UG (BHMS) course with intake capacity of 100 seats for the academic session 2022-2023-reg.

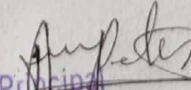
Sir,

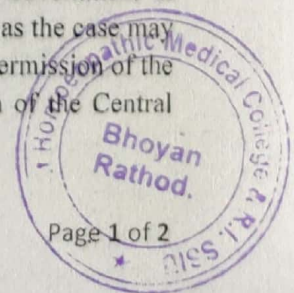
As Central Government by notification, constituted a Commission, to be known as the National Commission for Homoeopathy, to exercise the powers conferred upon, and to perform the functions assigned to it under NCH Act, 2020. Medical Assessment and Rating Board for Homoeopathy (MA&RBH) has been constituted with the mandate to grant permission for student intake to the existing and new medical institution of Homoeopathy.

2. Accordingly, it is to inform that Part-1 proforma and all the relevant documents submitted by your college were examined as per the existing regulations. physical inspection was carried out on 1/11/2022 and opportunity of being heard was given to the college on 25/11/2022 after finding some shortfalls during inspection The deficiencies found after hearing are as follows:-

- The college required to submit the details of ownership of land in the name of Homoeopathic Medical College for verification as per the requirement of National Commission for Homoeopathy and relevant regulations.
- College should exhibit permanent sign board at the places of entrance and such photographs shall be submitted with the compliance within 30 days.
- After considering the provisions of NCH Act, 2020 and its relevant regulations, Conditional Permission is granted to Aarihant Homoeopathic Medical College and Research Institute, Bhoyan Rathod Opp IFFCO Adalaj Sertha, Gandhinagar, Gujarat-382420 for conducting UG (BHMS) course with intake capacity of 100 seats for the academic session 2022-2023.

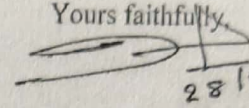
4. As per provisions of section 43 of the NCH Act, 2020 Central Govt has taken a policy decision vide letter no F.NO Y-11011/4/2022-EP-III Dated 14/10/2022 that all admissions shall be through NEET only with qualifying marks of 50 percentile. All admissions in Under Graduate and Post graduate course shall be through NEET only. It is further informed that, minimum 15% of seats of the permitted intake capacity of BHMS course 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 the Central Government 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 student admitted there under


Principal
Aarihant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.



5. 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 student admitted there under.

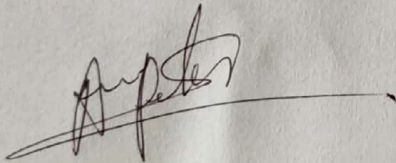
6. The category wise list of students admitted may be informed to the Medical Assessment and Rating Board for Homoeopathy after the process of admission is completed.

Yours faithfully,

28/11/22

(Dr. K.R. Janardanan Nair)
President

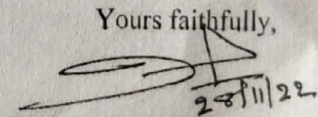
Copy to:-

1. The Secretary, Ministry of AYUSH, Govt. of India, AYUSH BHAWAN, 'B' Block, GPO Complex, INA, New Delhi-110023.
2. Chairperson, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058.
3. Dr. S.R.K. Vidyarthi, Director of AYUSH, Govt. of India, AYUSH BHAWAN, 'B' Block, GPO Complex, DNA, New Delhi-110023.
4. Director (AYUSH), Block No. 1, 2nd Floor, Dr. Jivraj Mehta Bhawn, Gandhinagar -380010 (Gujarat) email - dir-ayush@gujarat.gov.in
5. Registrar, Swarnim Startup & Innovation University, At. Post- Bhoyan Rathod, Nr ONGC WSS, Opp. IFFCO, Adalaj- Kalol, Highway, Gandhinagar, Gujarat-382420, Email : info@swarnim.edu.in



Principal
Aarohant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.



Yours faithfully,

28/11/22
(Dr. K.R. Janardanan Nair)
President



राष्ट्रीय होम्योपैथी आयोग

PERMISSION LETTER
Phone: (Direct) 28525582
28520607
Email: marbh.nch@gmail.com

National Commission for Homoeopathy

होम्योपैथी चिकित्सा आकलन और रेटिंग बोर्ड

Medical Assessment and Rating Board for Homoeopathy

Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

F.No. 4-7/2021-22/NCH(MA&RB)(109-24)/3744

Date: 8.12.21

To,

The Principal,
Aarihant Homoeopathic Medical College & Research Institute,
At Bhoya Rathod, Opp. Iffco Adalaj- Sertha Road,
Gandhinagar-382420, Gujarat

Sub: **Permission matter of Aarihant Homoeopathic Medical College & Research Institute, At Bhoya Rathod, Opp. Iffco Adalaj- Sertha Road, Gandhinagar- 382420, Gujarat with intake capacity of 100 seats for I-BHMS course for the academic session 2021-22- regarding**

Sir,

As Central Government by notification, constituted a Commission, to be known as the National Commission for Homoeopathy, to exercise the powers conferred upon, and to perform the functions assigned to it, under NCH Act 2020, As per section 59 (2) of NCH Act, 2020, following has been stated:

"Notwithstanding the repeal of the Homoeopathy Central Council Act 1973, the educational and medical standards, requirements and other provisions of the Homoeopathy Central Council Act, 1973 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: Provided that anything done or any action taken as regards the educational and medical standards and requirements under the enactment under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything or by any action taken under this Act".

As per provision in the Act, Medical Assessment and Rating Board for Homoeopathy has been constituted with the mandate to grant permission to the existing and new medical institution of Homoeopathy. Accordingly, it is to inform you that all the relevant documents submitted by your college in Part-1 proforma were examined by the Medical Assessment and Rating Board.

2. On careful examination of the report, the Medical Assessment and Rating Board has arrived at the following conclusion:-

That the applicant has set up a Homoeopathic Medical College with the component of staff, infrastructure, equipment and instruments and other facilities where as the College has to take urgent and time bound steps to Implement Minimum Standard Requirements of the Homoeopathy College and attached Hospital as prescribed by the National Commission for Homoeopathy for conducting BHMS course in Homoeopathy. While examining the facilities, the deficiencies observed are as follows:

A. **Hospital Staff:** While examining the facilities, it is found that there are deficiencies of 12 hospital staffs.

Principal,
Aarihant Homoeopathic Medical College & R.I.,
Bhoyan Rathod, Gandhinagar.



- a. Dr. Rajesh Sood (MS, Surgeon) & Dr. Jignesh Jagdishbhai Patel (DGO Gynecologist) name not found in attendance & acquittance roll.
- b. Name & documents of Anesthetist & Radiologist, X-ray Technician/Radiographers, Dietician, X-ray attendant not available against 01 each 'On Call' as required..
- c. Mr. Hetan Patel, Lab Technician, B.Sc. MLT, Certificate of MLT not provided.
- d. Details & documents of Staff for Cleanliness, Laundry, Hospital Catering, Gardening & staff for Watch and Ward duties not provided in list of Hospital Staff.

B. Hospital Facility: X-ray, USG, Operation Theater, Post-operative rooms & Labor Room facilities are through MoU with Khushi Hospital, Sabarmati, Ahmadabad. MoU for teaching and training purpose not provided.

C. Teaching Faculty:

i. The College has provided list of 29 full time teachers out of which 23 are eligible (28 required). Discrepancies in engagement of teachers are as below:

a) Dr. Balasahebshukhdevrao Vighe, DHMS (Professor, Anatomy): Joined as demonstrator on 01.01.1995 at age 36 year 1 month, i.e. more than 30 year as per MSE. Attended Superannuation, age 63 year 01 month (DOB 18.05.1958). No document of re-employment provided.

b) Dr. Jyoti Nandlal Patel, MD (Hom) (Reader/Associate Professor, Physiology): Joined on 03.07.2018 in AHMC as Associate Professor, Physiology. Previous experience provided as Lecturer. Physiology is less than 4 year i.e. 03 Year 06 months (01.01 .2015-15.07.2017).

c) Dr. Nitware Nitin Shrikrishna, B.H.M.S. (Reader/Associate Professor, Organon): Joined on 24.03.2021 as Reader, Discrepancies in dates in essential qualification as per affidavit, degree mentioned in 2007, but MD(Hom) Organon mentioned in 2002.

d) Dr. Amit Banerjee, MD (Hom) (Professor, Organon): Joined as Professor, Organon on 05 .09.2002 at age 39 year 2 month, i.e. more than 35 year as per MSE, (DOB 25 .11 .2002). No Experience of Demonstrator/Lecturer/Reader Provided in Affidavit.

e) Dr. Nisha Pravinbhai Manani , MD (Hom) (Lecturer/Assistant Professor, Materia Medica): Discrepancies in dates in affidavit as Joined as Lecturer, HMM on 05.10.2018, but Previous Experience from 06.11.2018 to 05.10.2019 mentioned in GHMC, Dethali, Gujarat.

f) Dr. Madhuri N. Bhatt, MD (Hom) 2008, Joined as Reader, Practice of Medicine on 01.03.2017 in AJSHMC and as Reader, Practice of Medicine on 05.09.2019 in AJSHMC. Previous experience is of Lecturer Physiology (2011-2017) experience as Lecturer, POM is only 15 months (2009-10).

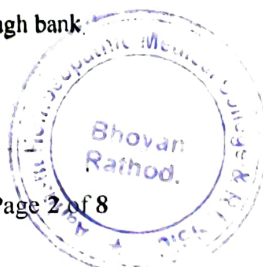
ii. The College has provided list of 12 guest faculty out of which 11 are eligible (12 required). Dr. Mohini Sood (Guest Professor, Gynaecology & Obstetrics): Joined on 18.12.2020. No Previous experience of teaching provided.

D. Teaching Department: Mr. Bhavin Vasantray Bhimani (M. Pharma), Mr. Jaimin Bhikhalal Patel (12th Pass), Mr. Vipul Sadava (B.Sc.), Ms. Hemali Kachadiya M.Sc. Lab Technician, are not having requisite qualification.

E. Miscellaneous:

a) Salary bank statement- Bank statement provided, proof for salary transfer through bank not provided.


Principal
Aarohant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.



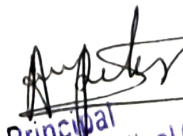
b) ESI not deducted, mentioned as all educational and medical institutes are exempted in Gujarat from its purview. EPF not deducted, provided undertaking of staff for not opting PF/EPF benefit.

c) Form-16 of teachers, non teaching staff & hospital staffs- Not provided from TRACES portal.

3. WHEREAS, in view of the above deficiencies, the college was given an opportunity of hearing through Video-conferencing as natural justice of being heard, vide MARBH Hearing Notice of Lt. No 4-7/2021-22/NCH (MA&RB)/(109-24)/ 2934 dated 15.11.2021 to appear before the designated Hearing Committee to present their case. The hearing was conducted on 15.11.2021 via video conferencing. The representative of the college submitted written submissions before the Hearing Committee.

4. WHEREAS, the deficiencies communicated to the college, submission made by the college at the time of Hearing and observation of the Hearing Committee has been examined vis-à-vis with the provisions of HCC, Act, 1973 and relevant Regulations made there under and following deficiencies are found to be existing:

Sr. No.	Deficiency conveyed to college	Reply/ Annexures provided by Aarhant HMC, Gujarat	Observations by Hearing Committee	Remarks of MARBH
A	Name and documents of Anaesthetist and Radiologist , x-ray technician/ radiographer, dietician , x-ray attendant not available against 01 each 'on call' as required.	Each mentioned person is available, required documents submitted (Annexure B)	Anaesthetist (On Call)- Dr.Vinay Jagdishbhai Solanki Documents Submitted – Appointment Letter dt. 07/01/2016. Joining Letter dt.07/01/2016 Qualification-Doctor of Medicine (Anaesthesiology) in 2008, Gujarat University. Radiologist (On Call)- Dr.Amit Kumar Rathod Documents submitted- Appointment Letter dt. 26/03/2021 Joining Letter dt. 03/04/2021 Qualification-Diploma in Radiodiagnosis in 2020, Gujarat University. Dark Room Attendant- Mr Vishal Sikhwal Documents submitted- Appointment Letter dt.01/04/2021 Joining	Appointment, joining, qualification of Anaesthetist (Dr. Vinay Solanki), Radiologist (Dr. Anil Kumar Rathod), Dark Room attendant (Vishal Sikhwal), X-ray Technician (Jaimin Valand) and Dietician (Mita Joshi) provided. However attendance and acquittance roll of above staffs not provided. As per the attendance and acquittance roll provided in part-I till march 2021 it is observed. Anaesthetist (Dr. Vinay Jagdishbhai) joined on 7.1.2016 , X-ray technician (Mr. jaimin M Valand) joined on 2.2.2016, Dietician (Mita Joshi)


Principal
Aarhant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.

			Letter dt.05/04/2021 Qualification-B.A Part I Exam2017, Maharshi Dayanand Saraswati University, Ajmer X-ray Technician (On Call)-Mr. Jaimin M Valand Documents submitted- Appoinment Letter dt. 02/02/2016 Qualification-CT Scan Technician (2015-16), Certificate Course, Bharat SewakSamaj, National Development Agency, Promoted by GOI. Dietician (Full Time)- Mita Joshi Documents submitted Appointment Letter dt. 01/01/2020 Joining Letter dt. 03/01/2020 Qualification - Certificate Course in Hospital Nutrition and Dietetics (UGC& Gujarat University Approved) 2011-12 DNHE (IGNOU) -2012	name not found. So Genuine presence could not be ascertained.
	c. Mr. Hetan Patel, Lab Technician, B.Sc, MLT , Certificate of MLT not Provided.	Certificate provided (Annexure C)	Lab Technician- Mr. Hetan Patel B.Sc. MLT Certificate not provided instead a One Year Medical Laboratory Technology Certificate from slr Chinubhai Madhavlal Baronet Hospital & Research Centre, Ahmedabad- 380002.	Mr. Hetan Patel, Lab Technician- appointment, joining provided. For qualification Medical Laboratory Technology Certificate provided. However as per MSR 2013 for Lab Technician Diploma in MLT is required. So not considered.
B	Hospital Facility X-ray, USG, Operation Theater, Post-operative rooms & Labor Room	Provided (Annexure E)	MOU for teaching and training dated 09-11- 2021 provided. III BHMS& IV BHMS	Radiology is under MOU.

	facilities are through MoU with Khushi Hospital, Sabarmati, Ahmadabad. MoU for teaching and training purpose not provided.		Students posting batch-wise time table list is also submitted.	
C	Dr.Amit Banerjee, MD (Hom), professor, Organon- joined as Professor on 5.9.2002 at age of 39 years 2 months i.e. more than 35 years as per MSE, No experience of demonstrator/lecturer /reader provided in affidavit.	All the mentioned documents provided (Annexure I). Additional Staff is recruited Dr. Nadaf Shahala Babusaheb. Dr. NitinNitware mentioned as a reader in the department of Organon is also eligible for Professor.	Dr. Amit Banerjee Mismatch of name in Degree and Post Graduate certificates-It is stated Dr. Amit Bandyo padhyay	Dr. Amit Banerjee-appointment and joining dated 2.11.20 submitted. Previous experience from 5.9.02 till 29.9.20. It is observed name mentioned in experience certificate of Netaji Charan homoeopathic College in BHMS and MD(H) degree is Amit Bandyopadhyay whereas in other documents is Amit Banerjee. Mismatch of name found and no documents for name change provided.
D	Teaching Department Mr. BhavinVasantrayBhimani (M.Pharm), Mr. JaiminBhikhalal Patel (12thPass), Mr. Vipul Sadava B.Sc., Ms. Hemali Kachadiya MSc. Lab technician are not having requisite qualifications	In the department of Physiology and Pathology, Lab technicians having MLT degree available. (Annexure M)	DruthiRathod-Lab Tech in Dept of Pathology Appointment Letter dt 30-10-21 Qualification -State Trade Certificate in Trade of MLT Assistant provided No Degree in BSC MLT.	Druthi Rathod- lab technician in department of pathology appointment and joining provided however no degree of BSc. MLT available so not eligible. -
E	Miscellaneous a) Salary bank statement- Bank statement provided, proof for salary transfer through bank not provided.	Proof for salary transfer through our HDFC Bank & Undertaking from Principal Submitted.(Annexure N, O, P)	a) Salary bank statement Bank statement dated 15-11-2021 of amount 2,168,896.00 provided, along with a list from Aarohant College of 79 employees.	(a)Proof of salary transfer of individual staff not available.

b) ESI not deducted , mentioned as all educational and medical institutes are exempted in Gujarat from its purview. EPF not deducted , provided undertaking of staff for not opting PF/EPF benefit. c)Form-16 of teachers, non-teaching staff & hospital staff- Not Provided from TRACES portal.		b) EPF not deducted , Provided undertaking of staff for not opting PF/EPF benefit. (c)Form 16 of only 04 (Four) Employees submitted. Form-16 of teaching , non-teaching staff & hospital staff- Not Provided from TRACES portal.	(b)EPF/ESI is not deducted. (c)Form-16 of only 4 staffs provided.
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5. After considering the provisions of section 12C (1) of Homoeopathy Central Council Act, 1973 and HCC (MSR) Regulations, 2013, and point (h), (i) and (j) of Ministry of AYUSH letter No. 14011/3/2021-EP (II) (Pt.) dated 26.3.21, **Permission of the Medical Assessment and Rating Board is issued to Aarohant Homoeopathic Medical College & Research Institute, At Bhoya Rathod, Opp. Iffco Adalaj- Sertha Road, Gandhinagar- 382420, Gujarat to Ist BHMS course with intake capacity of 60 seats (reduced from 100 seats) in Undergraduate (BHMS) course for the academic year 2021-22.** The Principal is directed to fulfill the deficiencies within 30 days and an affidavit in this regard may be submitted to the Medical Assessment Board within a period of one week.

6. All admissions in Under Graduate/Post graduate course shall be through NEET only. It is further informed that, minimum 15% of seats of the permitted intake capacity of BHMS course 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 the Central Government 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 student admitted thereunder.

7. The category wise list of selected candidates may be informed to the Medical Assessment and Rating Board for Homoeopathy after the process of admission is completed. Any admissions carried out other than NEET qualified students will not be approved by the Medical Assessment and Rating Board as per rules.

8. The college has to comply with the full requirements of HCC (MSR) Regulations, 2013 for conducting the course. All deficiencies observed, has to be rectified within 30 days' time from issue of this permission letter. Compliance report shall be submitted by the college to Medical Assessment and Rating Board accordingly. Subsequently, the Board shall verify the compliance well in time and may conduct Online/Physical Inspection for verification of compliance as per the HCC (MSR) Regulation, 2013 and will consider admissions for the academic year 2022-23.

[Signature]
Principal
Aarohant Homoeopathic Medical College & R.I.
Bhoya Rathod, Gandhinagar.



9 The College aggrieved by any decision of the Autonomous Board may prefer an appeal to the Commission against such decision within 30 days of the communication of this order, as per Section 24(3) as per NCH Act 2020.

Yours faithfully,

(Dr. K. R. Janardanan Nair)

President, Medical Assessment and Rating Board,
National Commission for Homoeopathy

Copy to:-

- (i) The Secretary, Ministry of AYUSH, Govt. of India, AYUSH BHAWAN, 'B' Block, GPO Complex, INA, New Delhi-110023.
- (ii) Chairperson, National Commission for Homoeopathy, 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058.
- (iii) The Principal Secretary, Public Health & Family Welfare Department, Government of Gujarat, 7th Floor, Block 7, Sardar Patel Bhavan, Sachivalaya, Gandhinagar-382010, Gujarat, E-mail sechfwd@gujarat.gov.in
- (iv) The Registrar, Swarnim Startup & Innovation University, At. Post- BhoyanRathod, Nr. ONGC WSS, Opp. IFFCO, Adalaj-Kalol, Highway, Gandhinagar, Gujarat-382420, E-mail info@swarnim.edu.in, info@ssiu.ac.in.

(Dr. K. R. Janardanan Nair)

President, Medical Assessment and Rating Board,
National Commission for Homoeopathy

Principal
Shant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2803 of 2021

SWARNIM STARTUP AND INNOVATION UNIVERSITY

Versus
UNION OF INDIA

Appearance:

MR DHAVAL DAVE, SR COUNSEL with MR JIGARM PATEL (3841) for the Petitioner(s) No. 1
MR SIDDHARTH DAVE, ADVOCATE for MR DEVANG VYAS (2794) for the Respondent(s) No. 1,2
MR. KMANTANI (6547) for the Respondent(s) No. 3

CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV

Date: 20/02/2021

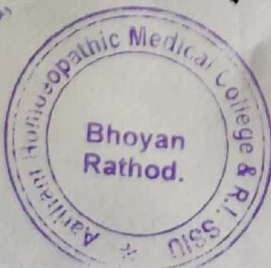
CAVORDER

1. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for quashing and setting aside the order dated 2.2.2021 by which the college namely; Arihant Homeopathic Medical College and Research Institute has been denied extension of permission for the academic year 2020-21.

2. The facts in brief are as under:

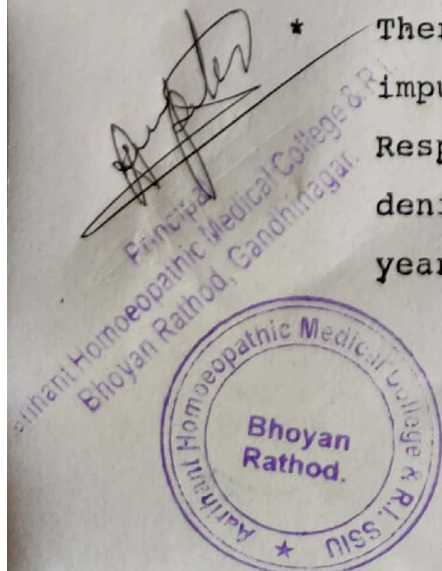
- * The Petitioner is a private university. It inter alia runs a college in the name of Arihant Homeopathic Medical College & Research Institute ("College" for short). The College is engaged in imparting education in the discipline of Homeopathy at the level of graduation leading to the qualification of B.H.M.S. The College was

[Signature]
Principal
Arihant Homeopathic Medical College & R.I.
Bhoyan Rathod, Gandhinagar.



established in the academic year 2017-18 with the intake capacity of 100 seats.

- * The College submitted the requisite details in the manner and within the time frame prescribed by the Respondent Nos. 1 & 2 for extension of permission for the academic year 2020-21. This is not in dispute.
- * Thereafter, the College received from Respondent No. 1 the hearing notice dated 11th November, 2020. Vide this notice the College was called upon to render its explanation in writing in respect of the deficiencies alleged therein against the College and avail the opportunity of hearing before the Designated Hearing Committee of Respondent No.1 on the date stipulated therein.
- * The College, thereupon, submitted its written submission supported by the documents dealing with the deficiencies alleged against it and also made oral submissions before the Designated Hearing Committee of Respondent No.1.
- * Thereafter, the College was served with the impugned order dated 2nd February, 2021 passed by Respondent No.1. Vide this order the College was denied extension of permission for the academic year 2020-21.



3. Mr. Dhaval Dave, learned senior counsel appearing with Mr. Jigar Patel states that the impugned order passed by Respondent No.1 is wholly unsustainable. He submits as under:

a. The impugned order is signed by the Director of Respondent No.1. It is recorded therein that it was passed with the approval of the Competent Authority. However, neither of them was part of the Designated Hearing Committee. This assumes significance as the impugned order is based upon findings independently recorded by Respondent No.1. Needless to mention that if the observations of the Designated Hearing Committee along with the written submissions the College were to be sent back to the Central Council of Homeopathy (CCH) for its recommendations and thereupon, if the recommendations of CCH were to be accepted for passing the impugned order by someone in the set up Respondent No.1 who was not part of the Designated Hearing Committee, the hearing accorded to the College became an empty formality. This completely vitiates the impugned order. (Parul University V/s Union of India & Anr. 2017 SCC Online Guj 77 - Paragraphs 30 & 31, SLP (C) 1390-1391 preferred against the same rejected vide order dated 5th February, 2018)

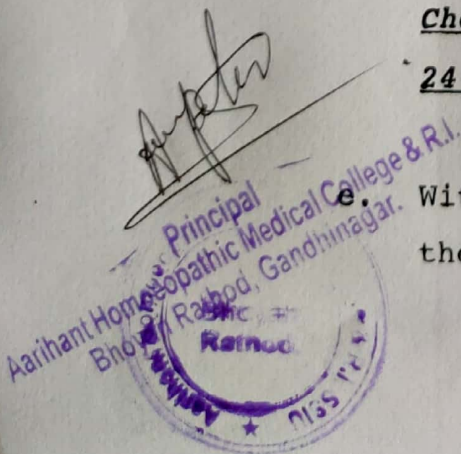


b. Further to the aforesaid, if the observations of the Designated Hearing Committee along with the written submissions of the College were to be sent back to the CCH for its recommendations thereon, the College was required to be accorded further opportunity of hearing by Respondent No.1 before taking any decision on such recommendations of CCH. Thus, the impugned order is in true sense without according hearing to the College.

c. The impugned order is a non-speaking order in true sense. Because no reasons are assigned in the impugned order in support thereof.

d. Realizing the aforesaid fatal lacuna in the impugned order, Respondent No. 1 attempted to supply reasons to the impugned order by filing an affidavit in reply (Page: 150 – relevant pages 155). However, it is impermissible to supply reasons to the order for sustaining the order. (Hindustan Petroleum Corporation V/s Darus Shapur Chenai & Ors. (2005) 7 SCC 627 – Paragraphs 24 to 27.)

e. Without prejudice to the aforesaid, even if the deficiencies which are referred to in



the affidavit-in-reply of Respondent No. 1 as the reasons to support the impugned order are read as part of the impugned order, it is not possible to sustain the impugned order. This is evident from the following.

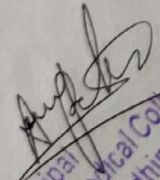
f. The first deficiency alleged against the College is with regard to in all twelve teachers who were found to be ineligible as their signature was allegedly found to be mismatching in various documents referable to their appointment in the College and their affidavit for allotment of Teacher Code. However, all these twelve teachers filed their affidavit before the Designated Hearing Committee confirming their signature on all the documents in question. In fact, said teachers remained present before the Designated Hearing Committee confirming their signature on all the documents in question. (Page 18 read with 52). Needless to mention that once the person whose signature is doubted confirms the same, the doubt has to end. Further, the signature matching demands expertise to reach any conclusion thereon. (Thiruvengadam Pillai V/s Navaneethammal & Anr. (2008) 4 SCC 530 – Paragraph 16)

g. Further, in all eight teachers from

aforesaid twelve teachers were with the College in the previous academic year 2019-20. Accordingly, during the inspection for the academic year 2019-20 they were confirmed as teachers working in the College.

h. The second deficiency alleged against the College is with regard to ineligibility of Dr. Gokuldas Sarda as teacher on the ground that he is over-aged. However, before the Designated Hearing Committee, it was pointed out that Dr. Gokuldas reached the age of 65 years on 26th September, 2020 and in his place Dr. Prabhakar was appointed. Dr. Gokuldas was working as only the advisor since then. (Page 20 read with 55).

i. The third deficiency alleged against the College is with regard to the appointment of Dr. Arti Raj. The objection against Dr. Arti Raj as teacher (Lecturer) was on the ground that her post graduate degree (M.D.) in Homeopathy was not included in the second Schedule of the Homeopathy Central Council Act, 1973 (HCC Act). However, the upgradation of second Schedule to the HCC Act is not within the control of either the College or the said faculty. However, this apart, later on vide notification dated 3rd December, 2020, the second Schedule to HCC


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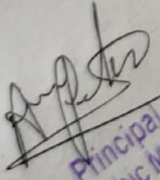


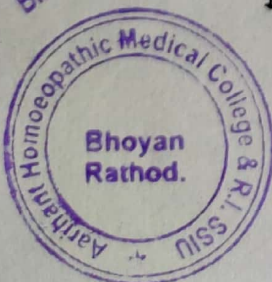
Act was upgraded to include the name of the concerned college from where Dr. Arti Raj obtained her post graduation. (Page 22 read with 57 and 147).

j. The fourth deficiency alleged against the College is with regard to lack of adequate teaching experience of Dr. Madhuri Bhatt (Professor) and Dr. Yashodhan Wadekar (reader). Before the Designated Hearing Committee, the requisite the documentary evidence was placed evidencing the factum of the requisite teaching experience in respect of both faculties. (Page 19 and 21 read with 126 to 142)

k. The fifth deficiency alleged against the College is with regard to non-availability of faculty in the department of Pathology. Before the Designated Hearing Committee it was pointed out that in department of Pathology Dr, Niraj Gupta and Dr. Nidhi Bhavsar are working as reader and lecturer since 31st July, 2018 and 1st May, 2018 respectively. (Page 52). Besides this, they were considered as teachers in the earlier academic years,

l. Without prejudice to the aforesaid, even if the impugned order was warranted, the impugned order would fail to hold the field

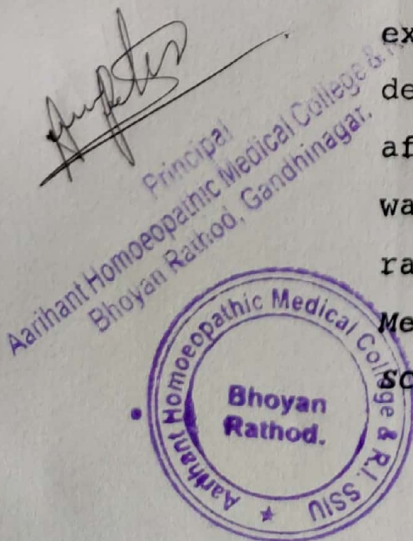

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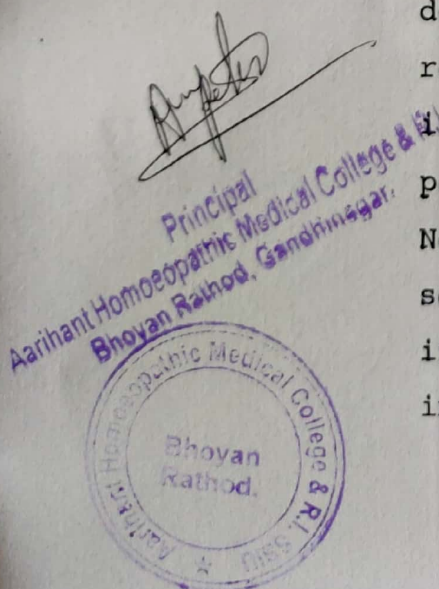
for not following the procedure mandated by section 19 of the Homeopathy Central Council Act, 1973.

m. As such, while dealing with the orders more or less identical to the impugned order, the Honorable Delhi High Court passed interim orders dated 4th February, 2021 (LPA 49/2021), 8th February, 2021 (W.P. (C) 1539/2021 & others) and 10th February, 2021 (W.P.(C) 1794/2021) in batch of matters granting extension of permissions to the concerned Colleges for the academic year 2020-21. Even Honourable Bombay High Court has also passed similar interim order dated 27th January, 2021 (W.P. (Stamp) 1760/2021).

n. Further, the grant of extension (renewal) of permission to an existing college stands on a different footing as compared to the grant of new permission to start the college. In case of former, even if some deficiencies are noticed, time needs to be granted to rectify rather than denying extension of permission. Hence, the alleged deficiencies, though not in existence as aforesaid, even if presumed to be there, warranted time to the College to rectify rather than the impugned order. (Royal Medical Trust V/s Union of India (2015) 10 SCC 19 – Paragraph 29).



- o. The impugned order, if viewed in totality, is cryptic, mechanical, without considering the submissions of the College and suffering from the vice of total non-application of mind warranting interception in the present petition. (*Jagat Narain Subharti Charitable Trust & Anr. V/s Union of India & Ors. (2017) 16 SCC 666*) – Paragraph 16 & *Kanachur Islamic Education Trust V/s. Union of India (2017) 15 SCC 702* – Paragraphs 18 to 20)
- p. The judgments relied upon by Respondent No.1 in its affidavit-in-reply are in respect of the cases where multiple deficiencies of grave and non-rectifiable nature were noticed to which the concerned colleges were having no cogent answer in defence. Hence, the same have no application to the impugned order. Here, it deserves to be mentioned that the said judgments can never be construed as laying down an absolute proposition of law that, regardless of the nature of order, no interference is possible once the permission is denied to the college. Needless to mention that the proposition sought to be propounded by Respondent No.1 in this regard, if accepted, would mean immunizing the impugned order from the



purview of judicial review under Article 226 of the Constitution of India.

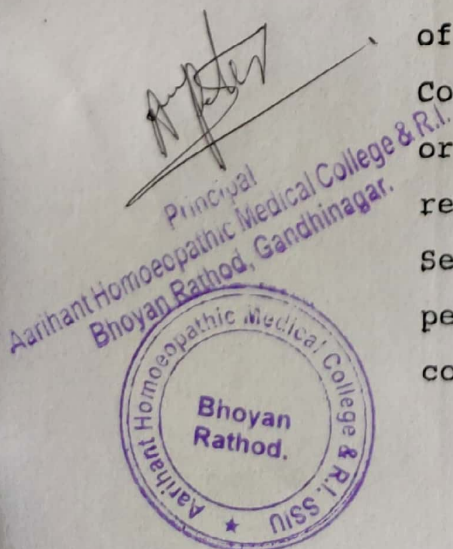
- q. In the last, the contention of Respondent No.1 that grant of interim relief in the present petition is as good as final relief has no potential to deny interim relief to the Petitioner. When the facts are such that non-grant of interim relief would tantamount to dismissal of the petition, the interim relief, though akin to final relief, needs to be granted. (*Deoraj V/s State of Maharashtra (2004) 4 SCC 697 - Paragraph 12*)
- r. Even Honourable Delhi High Court has recorded in the aforesaid orders that, apart from strong *prima facie* case, the balance of convenience also leaned in favour of colleges warranting interim orders.

4. Mr.Siddharth Dave appeared for Mr.Devang Vyas learned Additional Solicitor General for the respondent nos.1 and 2 made the following submissions:

Mr.Siddharth Dave would submit that the order impugned in the petition is just and proper. He would invite the attention of the Court to the regulations i.e. MSR,

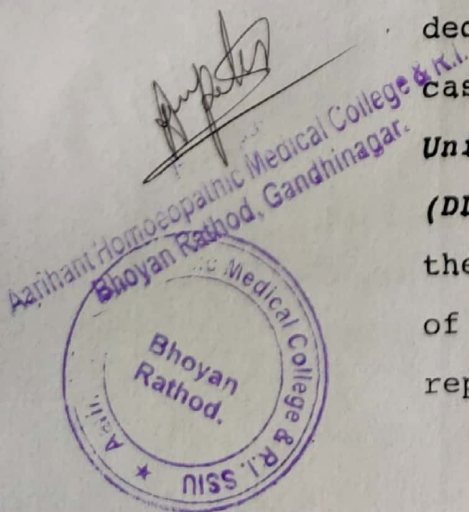
2013. He would submit that Regulation 3(1) requires the college to fulfill the minimum standards in context of teaching facilities referred to in Regulations No.4 to 13. Regulation No.7 prescribes requirement of teaching hospital. Regulation no.9 provides for requirements of college which prescribes that there shall be a minimum teaching faculty as per Schedule-IV for the course. He would invite the attention of the Court to schedule-IV and V of the Regulations together with Regulation No.12 to submit that for intake upto 100 requires the requisite teaching staff. Only full time faculty is required at all levels.

- * He would rely on the amended regulations of 2019 to submit that it was incumbent upon an existing college to make an application in Form-I which was mandatory providing details which the college had not provided which was prerequisite for getting affiliation. He would counter the submission of Shri Dhaval Dave in context of Section 19 of the Homeopathy Central Council Act and submit that the impugned order is not in context of withdrawal of recognition, but is in compliance of Section 12C of the Act, by which, permission for certain existing medical college is to be made. He would invite the



attention of the Court to the impugned order and submit that the deficiencies listed therein were material enough and ought to have been complied with. It was a mandatory requirement under the Rules. Nothing was produced by the institution on record to show that in the previous years there was compliance. There was no prejudice inasmuch to the show cause notice listing out shortcomings the petitioner was invited to respond and the authority found them to be insufficient compliance. The order therefore cannot be said to be an unreasoned order.

* With regard to the submissions cited by Shri Dhaval Dave in case of *Kanachur* (supra), Shri Siddharth Dave relied on the decision in case of *Kalinga Mining Corporation v. Union of India and others* reported in [(2013) 5 SCC 252] and submitted that the order was not bad as institutional hearing is a recognized principle. He would also rely on the decision of the Delhi High Court in the case of *Buddhi Vidhatajan Kalyan Samiti v. Union of India and Anr.* reported in LAWS (DLH) 2016 12 182, particularly para 26 thereof. He would submit that the decision of *Parul University v. Union of India* reported in 2017 SCC OnLine Guj 77, was not



applicable. He would reiterate that Kanachur (supra) was considered in *Royal Medical Trust and Another v. Union of India and Another* reported in [(2017) 16 SCC 605], where it was held that the judgment applies in the facts of the case. He would rely on paras 26 to 33 thereof. Mr. Dave would rely on the decision in the case of *J&K Housing Board and another v. Kunwar Sanjay Krishan Kaul and others* reported in (2011) 10 SCC 714 to submit that things have to be done in a particular manner. Reliance was also placed on the decision in case of *Manoharlal Sharma v. Medical Council of India and others* reported in (2013) 10 SCC 60. Reliance was also placed on the decision in case of *Karpagam Faculty of Medical Sciences and Research v. Union of India and others* reported in (2017) 16 SCC 568, particularly para 17 to 22 to submit that compliance with the regulations was a prerequisite and therefore the order impugned in the petition would not suffer from any effect of either non application of mind and/or being a non-speaking order.

5. Having considered the submissions made by the learned advocates for the respective parties, perusal of the impugned order would indicate the

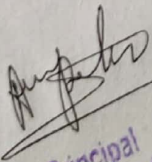
following deficiencies:

Deficiencies referred to in the impugned order dated 2nd February, 2021 as recommended by Central Council of Homeopathy and stated to have weighed with Respondent No. 1 for passing the impugned order:

"With reference to Ministry's letter dated 05.01.2021, I am directed to inform you that documents have been examined with available documents at Council for its authenticity, applicability and eligibility of the concerned teachers.

The decision of Executive Committee of this Council was based on the documents submitted by the college in Part 1 information and documents available for teacher code. On examining the documents submitted at the time of hearing, it is observed that the submitted documents are not satisfactory and no justification has been given for mismatch of signature for 12 teachers.

Moreover, four teachers cannot be considered as Dr. Gokuldas Shankarlalji Sarda has crossed superannuation age, Dr. Arti Raj Lecturer in Practice of Medicine not eligible as her Master Degree does not



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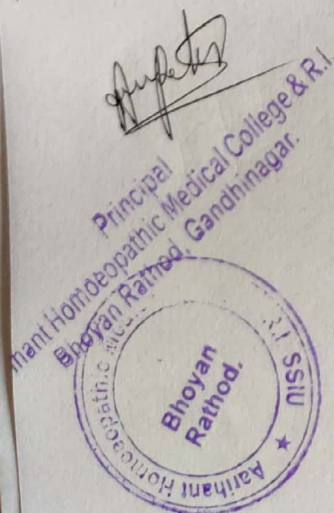


come under 2nd schedule of HCC Act and Dr. Madhuri n. Bhatt, Professor in Practice of Medicine and Dr. Yashodhan P. Wadekar Reader in Pharmacy has deficient total teaching experience.

Further, on examination it is observed that Dr. Kanupriya, Lecturer can be considered as available in the Department of Organon of Medicine however no faculty is available in the Department of Pathology.

Council therefore reiterate their decisions conveyed vide letter no. 15-8/2020-CCH (visitation matter) / 3506 dated 04.11.2020, as status of the college remains same as not meeting the MSR."

6. As far as the first deficiency is concerned from perusal of the impugned order would indicate that discrepancies were found in the documents of teachers inasmuch as, there was a mismatch of signatures. Perusal of the memo of the petition together with the submissions made before the designated hearing committee would indicate that the college had pointed out that details were given that there were three eligible teachers in the department of organon and two eligible teachers in the department of pathology. These details were submitted in part I on 29.7.2020. These teachers were also present during the



inspection carried out by the inspectors for the academic year 2019-20, when they were considered eligible. As far as objection to Dr. Tanuja Boardia, it was specifically pointed out that in place of Dr. Tanuja who was relieved they had appointed one Dr. Amit Banerjee on 2.11.2020. Even Dr. Niraj Sohanlal Gupta and Dr. Nidhi Bhavsar were wrongly considered ineligible. In fact, 12 teachers had filed their affidavit before the designated hearing committee. Reliance on the decision in the case of Thiruvengadam Pillai (Supra) is rightly applicable.

- * With regard to the second deficiency regarding the ineligibility of Dr. Sharda being over age, it was categorically pointed out that she had been replaced by one Dr. Prabhakar.
- * 3rd deficiency was in context of Dr. Aarti Raj. The objection was that her name was not included in the second schedule of the Act. As rightly pointed out by Shri Dhaval Dave, learned Sr. Counsel that it was not within the control that either the college or the faculty for upgradation of the second schedule.

* Regarding the 4th deficiency regarding lack of adequate teaching experience of Dr. Madhuri Bhatt and Dr. Yashodhan Vadekar requisite details of teaching experience was placed before

the hearing committee. It was pointed out that Dr. Vadekar had 7 years experience.

- * Regarding the 5th deficiency pertaining to non availability of faculty in the department of pathology. It was pointed out that Dr. Niraj Bhatia and Dr. Nidhi Bhavsar were working as lecturers and readers since 2018.

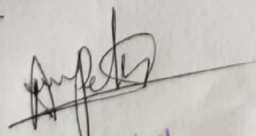
7. All these deficiencies therefore aptly dealt with and, therefore, in the opinion of this Court there was no reason why by the impugned order denial of extension was not granted.

8. Accordingly, the petition is allowed in terms of prayers in terms of paragraph No.7(A) and with a direction to consider Arihant Homeopathic Medical College and Research Institute, a constituent college of the petitioner University as eligible to grant admissions to students in BHMS Course with intake capacity of 100 students for academic year 2020-21 through Admission Committee for Professional Undergraduate Medical Education Courses - Respondent No.3.

9. The Registry to communicate this order through email.

(BIRENVAISHNAV,J)

***VATSAL


Principal
Arihant Homoeopathic Medical College & R.I.
Bhoyan Rathod, Gu.

Page 17 of 17



संख्या/ File No. R. 14014/55/2019 - EP-II

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

"आयुष भवन" "AYUSH BHAWAN"
"बी" ब्लॉक, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नई दिल्ली- 110023
'B' Block, GPO Complex, INA, New Delhi - 110023
दिनांक/Dated: 02.05.2019

To

The Principal,
Aarihant Homeopathic Medical College and Research Institute,
Bhoyan Rathod, Opp. Iffco, Adalaj- Sertha Road,
Gandhinagar- 382420, Gujarat.

Sub: - Admissions for the academic year 2019-20 in 1st BHMS course and continuation of the 2nd BHMS Course with intake capacity of 100 seats at Aarihant Homeopathic Medical College and Research Institute, Bhoyan Rathod, Opp. Iffco, Adalaj- Sertha Road, Gandhinagar- 382420, Gujarat - Reg.

Sir,

I am directed to refer to the provisions prescribed under Section 12C of the Homoeopathy Central Council Act, 1973 and regulations made thereunder. In order to verify the compliance of availability of standards by the College, the Board of Governors to CCH has conducted inspection of Admissions for the academic year 2019-20 in 1st BHMS course and continuation of the 2nd BHMS Course with intake capacity of 100 seats at Aarihant Homeopathic Medical College and Research Institute, Bhoyan Rathod, Opp. Iffco, Adalaj- Sertha Road, Gandhinagar- 382420, Gujarat, on 23.03.2019 and furnished recommendation for allowing admission in 1-BHMS course for the session 2019-20 with intake capacity of 100 seats in existing UG(BHMS) course subject to appointment of one teacher and improvement in IPD functioning before the commencement of new session.

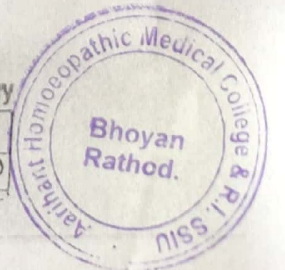
2. After considering the provisions of section 12C (1) of Homoeopathy Central Council Act, 1973 and HCC (MSR) Regulations, 2013, recommendations of the Board of Governors to CCH, permission of the Central Government is hereby granted to Aarihant Homeopathic Medical College and Research Institute, Bhoyan Rathod, Opp. Iffco, Adalaj- Sertha Road, Gandhinagar- 382420, Gujarat for continuing admissions in 1- BHMS course and continuation of the 2nd & 3rd BHMS Course with intake capacity of 100 seats during the academic year 2019-20 subject to appointment of one teacher and improvement in IPD functioning before the commencement of new session."

3. It is further informed that 15% of undergraduate and 15% of post graduate seats of the permitted intake capacity of 60 UG seats and 10 PG seats shall be treated as all India quota. The counseling for seats under all India quota shall be conducted by the Central Government and counseling for the remaining 85% seats shall be conducted by the concerned State Government. If any seats are not filled up in the Central Counseling, the same shall be transferred to the concerned State Government to admit students as per their rules/ reservation policies/norms. The permission of the college stands withdrawn if the college fails to co-operate with the Central counseling for all India quota or the students admitted thereunder.

4. Admissions made in violation of the above conditions will be treated as irregular and action will be initiated under HCC Act & Regulations made thereunder.

Venus International College of Technology

Ward No. 661 Date 22/5/19
Clerk Sign. CRT Principal Sign 12.00



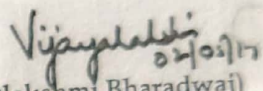
5. Discrepancies, if any, may be immediately brought to the notice of CCH and the Central Government.

6. The College has to comply with the full requirements of HCC (MSR) Regulations, 2013 by 31st December, 2019 for continuing admissions during the subsequent year. A copy of the compliance report shall be submitted by the college to CCH under intimation to this Ministry. Subsequently, CCH shall verify the compliance well in time for considering the admissions during the Academic Year 2020-21 and furnish the recommendation to the Central Government.

7. Please acknowledge the receipt of this letter.

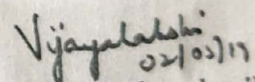
This issued with the approval of Competent Authority.

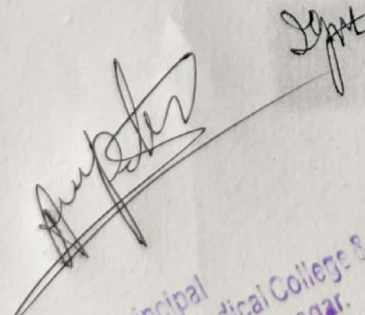
Yours faithfully,


(Vijayalakshmi Bharadwaj)
Deputy Secretary to the Govt. of India

Copy to:

- i. The Secretary, CCH, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058 for taking necessary action.
- ii. Principal Secretary, Health and Family Welfare Department, Sachivalaya, Gandhinagar, Gujarat to ensure that the Counseling/admissions are conducted within the prescribed time.
- iii. The Registrar, Gujarat University, Post Box. No. 4010, Navrangpura, Ahmedabad- 380009, Gujarat to ensure that the Counseling/admissions are conducted within the prescribed time.


(Vijayalakshmi Bharadwaj)
Deputy Secretary to the Govt. of India


Principal
Aarham Homoeopathic Medical College & P.I.
Bhoyan Rathod, Gandhinagar.

