
(2017) 01 MP CK 0167
In the Madhya Pradesh High Court
Case No : 8301 of 2016

Samshad Bi and others

APPELLANT

Vs

Moin Miya

RESPONDENT

Date of Decision : 11-01-2017

Acts Referred:

Constitution of India, Article 14, Article 226 - Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions - Power of High Courts

Citation : (2017) 01 MP CK 0167

Hon'ble Judges : Sheel Nagu, S K Awasthi

Bench : Single Bench

Advocate : H D Gupta, Santosh Agrawal, Vivek Khedkar, Praveen Newaskar, M P S Raghuvanshi, Pawan Dwivedi

Judgement

1. Before this order could be passed, I.A.No.314/17 has been filed by the petitioner in W.P.No.8689/16 praying for re-hearing of the case in view of subsequent development of inspection having been carried out on 14/12/2016 by a team headed by the Collector, District Gwalior which was followed by Govt. of India, respondent No.1, reiterating its earlier stand as contained in the impugned order, by a fresh letter dated 21/12/2016, A/3. Though, request has been made for re-hearing of this case, but this court deems it to be unnecessary as subsequent inspection conducted by the Collector, District Gwalior on 14/12/2016 has not made any difference in the final decision by the Ministry of the Govt. of India which has reiterated it's stand taken in the impugned order passed earlier on 28/11/2016. Thus, I.A. No. 314/17 is though taken on record but is of no avail to the petitioner and therefore request for re-hearing is declined.

2. This common order disposes of both the writ petitions bearing WP No. 8301/2016. & WP No. 8689/2016.

3. For reference, facts are being taken from WP No. 8301/2016.

FACTS

4. The present writ petition under Article 226 of the Constitution of India challenges the order dated 23.11.2016 (Annexure P/1) issued by Government of India invoking its power under Section 12(A) of the Homoeopathy Central Council Act, 1973 (for brevity 1973 Act) read with clause 3(9) of Homoeopathy Central Council (Minimum Standards of Requirement of

Homeopathic Colleges and Attached Hospitals), Regulations, 2013 ("2013 Regulations" for brevity) declining permission to the petitioner-institute for making admission to the B.H.M.S. course (Bachelor of Homoeopathic Medicine and Surgery) against 85 undergraduate seats for academic session 2016-17.

5. Learned counsel for the rival parties are heard on the question of admission and as well as final disposal.

6. The petitioner institute is run by a society registered under the Societies Registration Act, 1973 known by name of Shri Ramnath Singh Prasar Samiti Gormi-Bhind (M.P.). The petitioner is a self financed institution imparting undergraduate education in the field of Homoeopathy. >SUBMISSIONS

7. It is the contention of the petitioner that petitioner-institute is conducting under-graduate course of BHMS since 2000 and the Central Council of Homoeopathy (for brevity "CCH") has extended recognition to the petitioner for making admission to the said course from 2002-03 onwards with intake capacity of 85 seats per annum. Hospital is also alleged to be attached to the said institute having 25 beds. It is submitted that notice dated 27.10.2016 was issued to the petitioner vide Annexure P/4 pointing out certain deficiencies which on account of not having been rectified by 31.12.2014 in terms of the said 2013 Regulations, the petitioner was asked to show cause under the first proviso to Section 12(A) (4) of the 2013 Regulations as to why it be not restrained from making admissions to BHMS for the academic session 2016-17. Vide Annexure P/5 dated 28.10.2016 petitioner sought further time to remove the deficiencies pointed out which was followed by another letter vide Annexure P/6 of the same date. It is alleged that instead of affording opportunity to remove the deficiencies, the Government of India vide Annexure P/7 dated 04.11.2016

gave last opportunity to appear before the Hearing Committee to show cause as to why the admission to the BHMS course for the academic session 2016-17 be not stopped. 7.1 It is further urged that instead of acceding to the request of constitution of Committee for physical verification of the petitioner-institute and despite informing respondent No.1 of absence of any deficiency and the assurance given by the petitioner of curing the left out deficiencies, no heed was paid. It is further urged that inspection report submitted by the CCH before respondent No.1 was signed by only two out of three members of the said Committee and both signatures were appended on different dates. Lastly, it is submitted that the impugned order (Annexure P/1) dated 23.11.2016 was passed by respondent No.1 invoking the provision of Section 12(A) denying

permission to the petitioner institution to make admissions in the BHMS course with 85 undergraduate seats for the academic session 2016-17. The impugned order further informed that petitioner college to cure the shortcomings pointed out in the impugned order up to 31.12.2016 so as to enable the Committee to re-inspect the College and in turn enable the respondents to consider the question of grant of permission for making admission in the said course for the next academic session 2017-18.

8. Learned counsel for the petitioner has assailed the impugned order primarily on the following grounds :- (i) The provision of Section 12(A) of the 1973 Act, which relates to permission for establishment of new medical institution or for starting new or higher course of study or training or for increasing intake capacity in an existing course cannot be invoked in regard to existing functional college of the petitioner institute.

(ii) There is no mechanism under the 1973 Act to regulate the procedure for stopping admission and therefore, the procedure provided in Section 19 of 1973 Act relating to withdrawal of recognition ought to have been adopted before passing the impugned order.

(iii) Though the repository of power to stop admission can be traced in clause 3(9) of the 2013 Regulations but the same can be invoked only when the procedure prescribed under Section 19 is followed.

(iv) The inspection report which led to passing of the impugned order was prepared based upon inspection conducted by three members whereas the same was signed only by two members who appended their signatures on different dates.

(v) The counsel for the petitioner in WP No. 8689/2016 has raised an additional submission that the CCH has constituted a fresh committee headed by Collector of concerned district for carrying out fresh inspection and in this factual background it is submitted that respondent no.1 ought not to have passed the impugned order till the inspection report of the fresh committee is submitted.

(vi) Learned counsel for the petitioner submits that affiliation granted to the petitioner-institute by M.P. Medical Science University Jabalpur vide letter dated 24/5/2016 for the academic year 2015-16 in regard to BHMS first year against 85 seats has been ignored while passing the impugned order.

(vii) Learned counsel for the parties have lastly submitted that the question involved in the present petition is similar to the one involved in the cases pending before co-ordinate Bench of this Court at the

Principal Seat, the decision in which ought to be awaited and therefore the hearing of these cases be deferred.

8.1 Per contra, counsel for the Union of India submits that since minimum standards requirements under 1973 Act and Regulations 2013 have not been

fulfilled within the prescribed period of time and despite grant of several opportunities to the petitioner- Institute, the impugned order was passed and therefore same is sustainable in law and the petitioner-Institute can always seek permission to admit students in the next academic year 2017-18 subject to fulfilling the requirement of minimum standards fixed by the 1973 Act and 2013 Regulations.

9. Before adverting to the merits of the matter and deciding the same on the anvil of the relevant law, it would be appropriate to delineate the aims, object and contents of the legislation involved. AIMS AND OBJECTS OF 1973 ACT

9.1 The Act of 1973 was promulgated by the parliament to primarily constitute the Central Council of Homoeopathy and to enable the regulation and maintenance of Central Register and for other issues and entities related to the field of Homoeopathy. The 1973 Act as it stands today is divided into six chapters. Chapter I contains title, extent and commencement of 1973 Act alongwith definitions. Chapter II comprises provision for constitution of Central Council and its committees. Chapter II(A) which was introduced in 2002 relates to permission for establishment of new medical institution, commencement of new course of study or increase in intake capacity. Chapter III regulates recognition of medical qualifications granted within and without India, the right to practice and withdrawal of recognition. Chapter IV relates to maintenance of Central Register. Lastly, Chapter V concerns

issues ancillary and incidental to the above chapters including power of Central Government to constitute a commission to deal with complaints and powers of Central Government to make rules and of the Central Council to make regulations.

9.2 Pertinently, the 1973 Act at the time of its promulgation did not contain any provision for grant or refusal of permission to establish a medical institute, to start a new course or to enhance existing intake capacity in an existing functional medical institute.

9.3 This resulted into indiscriminate sprouting of medical institutes especially in the private sector imparting education in the field of Homoeopathy over which the Central Government and Central Council though had control to the extent of recognition or de-recognition of medical qualification of degree or diploma granted but the said Act did not confer any power to prevent, control and regulate permission for establishment of new medical institute or new courses or increase in intake capacity in an existing course. The fallout of this lacuna in the 1973 Act was the rapid fall in standards of education. State Governments gave indiscriminate approvals for opening new Homoeopathic colleges without insisting for basic facilities for teaching and training. State Governments in the absence of enabling provision could not take corrective steps and remained a mute spectator to the rapidly falling quality of education in the field of Homoeopathy. This problem was considered by the Fifth conference of Central Council of Health and

Family Welfare and the first conference of State Health Ministers on Indian System of Medicine and Homoeopathy held on 18.02.1997 whereby it was resolved to inter alia amend the 1972 Act which lead to promulgation of Homoeopathy Central Council (Amendment) Act, 2002 made effective from 09.12.2002 introducing Section 12A, Section 12B, and inserting few clauses in Section 33 of 1973 Act.

9.4 Section 12A begins with a non obstante clause and therefore has overriding effect over the other provisions of 1973 Act and over any other law for the time being in force. Thus, the subsequently introduced Section 12A prevented any person to establish Homoeopathic Medical College or existing college to open a new or higher course of study or training or increase the existing intake capacity without the prior permission of the Central Government obtained in accordance with the provisions of Section 12A.

9.5 Sub-section (2) to (8) of Section 12A lay down the procedure to be followed by Central Government for grant of permission. The procedure laid down in these sub-sections, in short, is that for the purpose of obtaining permission the applicant shall submit a scheme in such form containing such particulars and preferred in such a manner and accompanied with such fee as prescribed, before the Central Government. The Central Government then will refer the scheme to the CCH for recommendation. The CCH for making its recommendations is empowered to seek particulars from any person or medical institution concerned and if the scheme is found to be defective or wanting in any requisite particular then the CCH shall give an opportunity to the applicant to rectify the defects as specified by the CCH. Thereafter, the Council having regard to the factors contained in Clause (a) to (g) in sub-section (7) of Section 12A shall submit the scheme to the Central Government along with its recommendation within a period not exceeding six months from the date of receipt of reference from the Central Government. Thereafter, the Central Government after considering the scheme and the recommendation and obtaining necessary particulars from any person or medical institution and having regard to the factors referred to in sub-section (7) (a to g) of Section 12A may either

approve conditionally or unconditionally, or disapprove the scheme. If the scheme is approved then the same would constitute a permission contemplated by Section 12A(1). However, before disapproving the scheme the Central Government is obliged to give a reasonable opportunity of being heard to the applicant. Applicant whose application is rejected is at liberty to file a fresh scheme which if filed shall be considered as if it was submitted for the first time. To cater to the inaction on the part of Central Government to act on a duly submitted scheme the provision prescribes a deeming clause to the extent that in case government fails to act on the scheme within a period of one year from the date of submission of the scheme, then the same shall be deemed to have been approved by the Central Government and the permission of the Central Government shall be deemed to have been granted. Section 12B which is penal

in nature empowers the Central Government to de-recognize the medical qualification acquired by a student in medical institution established or in a new course opened or within the increase of intake capacity made, in violation of procedure prescribed under Section 12A.

AIMS AND OBJECTS OF REGULATION 2013

9.6 For effective functioning of 1973 Act, CCH framed Homoeopathy (Minimum Standards of Education), Regulations, 1983 which though provided minimum requirement in regard to staff, equipment, training, accommodation etc. but was silent in respect of consequential penal action against Homoeopathic colleges violating the 1973 Act and 1983 Regulations. Thus, the need arose for framing fresh Regulation which could deal with the menace of rapidly falling quality of Homoeopathic education. The CCH thus by superseding 1983 Regulations framed Homoeopathy Central Council (Minimum Standards Requirement of

Homoeopathic Colleges and attached Hospitals), Regulations, 2013 (2013 Regulations for brevity), which for the first time in Clause 3 provided fulfillment of minimum standards and requirements and the procedure for taking consequential penal action for non-fulfillment of the same by Homoeopathic Colleges.

9.6.1 For ready reference and convenience, Clause 3 of 2013 Regulations is reproduced below:-

3. Fulfillment of minimum standard requirements.-

(1) The college and attached hospital(s) shall fulfill the minimum standards requirements of infrastructure and teaching and training facilities referred to in the regulations 4 to 13.

(2) For exposure of the students in the clinical field and to understand the depth of operative surgery and operative Gynecology or Obstetrics as well as management in critical illnesses, a college shall have a Memorandum of Understanding with a reputed nearby located super-specialty hospital (of modern medicine) with all required facilities of operation theatre, labor room, Intensive Care Unit and other required facilities for the management of critical patients.

(3) In case an attached hospital of a college does not have the facilities to handle operation theatre and other critical patients, the students of such a college can be deputed under the strict supervision of concerned teaching faculty of the college for the required exposure in the said field to the attached super specialty hospital.

(4) The existing colleges and their attached

hospitals established under section 12A of the Act and those colleges and their hospitals established prior to the 28th January, 2003 and recognized by the Central Council of Homoeopathy shall fulfill the minimum standards requirements of infrastructure teaching and training facilities referred to in these regulations by

the 31st December, 2014 for consideration of grant of permission for undertaking admissions in the coming academic years.

(5) If a college fulfills the requirement by 31st December, 2014 as per these regulations, it shall be granted permission to undertake admissions for a period not exceeding five years during which the college shall not be inspected, except for random checks on receipt of any complaint, or otherwise as deemed necessary either by the Central Government or by the Central Council of Homoeopathy.

(6) The Central Council shall visit the college suo moto three months before the expiry of permission.

(7) The conditional permission shall be granted only to those colleges which are fulfilling at least the requirement of teachers as specified in Schedule-IV, the requirement of functional hospital as specified at sub-regulation (2) of regulation 7 and availability of equipment as specified in schedule-III for each academic year 2013-14 and 2014-15 on the basis of the separate inspections to be carried out by the Central Council of Homoeopathy after the 15th May, 2013 for the academic year 2013-14 and after the 31st December, 2013 for the academic year 2014-15.

(8) Such conditional permitted colleges or those

colleges which have been denied permissions during the academic year 2013-14 and/or 2014-15, will be required to fulfill the requirements as specified in these regulations by the 31st December, 2014.

(9) All the existing colleges, which are not able to achieve full compliance of the requirement as specified in these regulations by the 31st December, 2014, shall be denied permission from academic year 2015-16 onwards and action as envisaged under section 19 of the Act shall be initiated against all such colleges apart from rejection of their applications under sections 12A, which have been under consideration by way of conditional permissions or denials.?

9.7 Above said Clause 3 of 2013 Regulations besides laying down minimum standards requirements for Homoeopathic colleges to be open in future, afforded opportunity to the existing colleges to come up to the minimum standards requirements.

9.8 Clause 3(4) lays down that the colleges and their attached hospitals functioning since 28/1/2003 which are recommended by the CCH should fulfill minimum standards requirements of infrastructure, teaching and training facility mentioned in 2013 Regulations till 31/12/2004, to enable such colleges to be eligible for consideration of grant of permission for undertaking admission in the coming academic year. Clause 3(5) further provided that if an existing college fulfills requirements by 31/12/2014, it shall be granted permission to undertake admission for a period not exceeding 5 years, during which the college shall not be inspected except for random checks on receipt of any complaint or if deemed

necessary either by the Central Govt. or CCH. Clause 3(6) empowers the Central Government to visit colleges suo motu

months before expiry of permission. The concept of conditional permission is also introduced as per Clause 3(7) by providing that conditional permission shall be granted only to such colleges which fulfill at least the requirement of teachers as specified in Schedule IV, the requirement of functional hospital as per Clause 7 (2) of 2013 Regulations and of equipment as specified in Schedule III for each academic year 2013-14 and 2014-15 on the basis of separate inspection to be carried out by the CCH after 15th May, 2013 for the academic year 2013-14 and after 31/12/2014 for the academic year 2014-15. Thereafter Clause 3(8) lays down that all the conditionally permitted colleges and those colleges which are denied permission during the academic year 2013-14 and/or 2014-15 shall be required to fulfill requirements as specified in 2013 Regulations latest by 31/12/2014. Lastly, the penal provision contained in Clause 3 (9) provide that all existing colleges which fail to comply with the requirements as specified in 2013 Regulations by 31/12/2014 shall be denied permission for academic year 2015-16 onwards and action for withdrawal of recognition under section 19 of the 1973 Act shall be initiated against all such colleges apart from rejecting their applications under Section 12A of 1973 Act which are under consideration by way of conditional permissions or denials.

9.9 Pertinently, none of the statutory provisions of 1973 Act or 2013 Regulations are assailed by any of the petitioners herein and therefore this court need not go into the question of source of power of 1973 Act or of 2013 Regulations or their constitutional validity.

FINDINGS

10. Testing the factual matrix attending the instant case on the anvil of the provisions enumerated above, this court records it's

findings as follows :- (i) When the petitioner-college failed to fulfill requirement by 31/12/2014 in term of Clause 3 of 2013 Regulations, the CCH conducted further inspection of petitioner's college on 7/4/2016 for the academic year 2016-17;

(ii) The CCH found various deficiencies which are enumerated in para 3 of the show-cause notice Annexure-P/4 dated 27/10/2016;

(iii) The petitioner was afforded opportunity of being heard by the CCH for which 31/10/2016 was fixed as date of hearing.

(iv) The petitioner was directed to bring forth all material and evidence as proof to substantiate removal of deficiencies and shortcomings indicated in the show-cause notice.

(v) In response by a letter dated 28/10/2016 vide Annexure-P/5 the petitioner informed that since particulars of the deficiencies are not provided to the

petitioner, some further time be granted for providing the same so as to enable it to remove the same.

(vi) Request for inspection by Committee constituted by Ministry was also made. This prayer was repeated by another representation vide Annexure-P/6 of the same date.

(vii) The petitioner for the reason best known to it, did not attend hearing dated 31/10/2016 which impelled the Govt. of India to fix next hearing as 7/11/2016 vide Annexure-P/7;

(viii) Pertinently, the petitioner did not deny receiving the notices dated 27/10/2016 and

4/11/2016 as the reference of the said notices finds mentioned in the subsequent replies of the petitioner vide Annexures-P/5, P/6, P/8 and P/9. A detailed reply was submitted by the petitioner vide Annexure- P/10 dated 19/11/2016 denying the deficiencies pointed out by the notices issued by the Govt. of India and submitting that the college conforms to all the requisite minimum standards prescribed by 2013 Regulations.

(ix) Thereafter, the impugned order, Annexure-P/1 dated 23/11/2016 was passed by the respondent No.1 disclosing that despite grant of opportunities of being heard provided on 31/10/2016 and 4/11/2016 before respondent No.1, petitioner-college did not appear and also failed to rectify the deficiencies pointed out in the show-cause notices issued vide P/4 dated 27/10/2016 and P/7 dated 4/11/2016.

(x) The respondent No.1 after taking the entire gamut of facts, circumstances and the mandates of 1973 Act and 2013 Regulations found petitioner-college wanting in minimum standards requirements prescribed under 2013 Regulations. More so, the deficiencies and shortcomings found were serious and fundamental in nature which adversely affected the ability of the college to provide quality medical education in the field of Homeopathy.

(xi) The respondent No.1 while denying permission for undertaking admission to BHMS course with 85 UG seats for the academic session 2016-17 further informed the petitioner that shortcomings and deficiencies be cured latest by 31/12/2016 to enable

the petitioner-institute to be eligible for being considered for grant of permission for undertaking admission in UG course for the academic sessions 2017-18.

11. From the above, it is evident that the petitioner-college failed to rectify and cure the deficiencies by the statutorily fixed dead-line of 31/12/2014 and even later did nothing to cure the said deficiencies. 11.1 Bare perusal of Clause 1(10) of the impugned order does not disclose deficiencies to be minor but in fact of are fundamental in nature which render the petitioner-college to fall short of the requirement of minimum standards fixed by the 1973 Act and 2013 Regulations.

If petitioner-college is allowed to admit students without removing the deficiencies it would result in further degrading the quality of education in the field of homoeopathy thereby defeating the object of the 1973 Act and 2013 Regulations.

12. The first ground raised by the petitioner contained in para 6.1 (supra) of inapplicability of Section 12A of 1973 Act to the existing colleges such as the petitioner, it is seen from the scheme of the Act that Section 12A regulates permission for establishment of new medical colleges or new course of study or any increase of intake capacity but admittedly does not relate to on going course in a functional Homeopathic College.

12.1 Thus, the question that crops up for consideration is whether the petitioner's existing college can be denied permission to admit students by invoking provision of section 12A. 12.2 A plain reading of Section 12A reveals that answer to the above question is certainly in the negative. However, mere wrong mentioning of provision of Section 12A in the impugned order would not render the same vitiated in law especially when the

repository of power exercised by the respondent No.1 to pass the impugned order can be traced in some other provision of law. This proposition is bolstered by the decision of the Apex Court in the case of Collector of Central Excise, Calcutta Vs. Pradyumna Steel Ltd. (2003) 9 SCC 234, extract of which is reproduced below:-

"3. It is settled that mere mention of a wrong provision of law when the power exercised is available even though under a different provision, is by itself not sufficient to invalidate the exercise of that power. Thus, there is a clear error apparent on the face of the Tribunal's order dated 23/6/1987. Rejection of the application for rectification by the Tribunal was, therefore, contrary to law.?"

12.3 In the present case, said provision is Clause 3 of 2013 Regulations which specifically deals with the requirement of fulfillment of new and additional minimum standards prescribed by 2013 Regulations by existing colleges with further penal provision of denying permission to admit students in case of failure on the part of the existing colleges to do the needful. Resultantly, the first argument that no action can be taken against the petitioner under section 12A is unsustainable and thus does not appeal to this court.

13. The second argument that 1973 Act being silent in regard to procedure for stopping the admission, respondents ought to have taken recourse to the procedure prescribed under Section 19 of 1973 Act and not having done so, renders the impugned order vitiated in law, does not appeal to this court for reasons infra. 13.1 This argument further does not appeal to this court as it has already been held infra that admittedly 1973 Act does not regulate the procedure for grant of permission for admission to existing college, existing course, existing intake capacity but 2013 Regulations in Clause 3 lays down a detailed procedure of

affording opportunity to the existing colleges to comply with the minimum requisite requirements under the 2013 Regulations and also consequential penal action that can be taken if the needful is not done by the existing college before the prescribed date. Thus, recourse to the procedure under section 19 for denying permission to induct students need not be taken by the respondents as the said field is occupied by Clause 3 of 2013 Regulations. Therefore second argument also is of no avail to the petitioner.

13.2 More so, Section 19 of 1973 Act regulates the procedure for withdrawal of the recognition of the qualifications mentioned in Second Schedule to 1973 Act. The said prescribed qualifications in the field of Homoeopathy are granted by Universities, Boards and Medical Institutions in India and therefore elaborate procedure has been laid down in Section 19 for seeking opinion and recommendation of all those authorities which concern the conferment of the qualifications sought to be withdrawn. It is for this purpose that the said procedure under Section 19 appears to be more elaborate thereby giving an impression of granting better and more adequate opportunity when compared with the procedure proscribed in Clause 3 of 2013 Regulations for stopping of admissions.

14. Coming to the third argument, it is seen that grievance raised is that though power to stop admission can be traced in Clause 3(1) of 2013 Regulations but there is no detailed procedure provided and therefore resort to provision of Section 19 ought to be made. 14.1 A bare perusal of Clause 3 of 2013 Regulations reveals that reasonable and adequate measures are prescribed of affording opportunity to rectify the deficiencies pointed out up to certain date by way of grant of conditional permission prior to the said date as regards colleges suffering from perfunctory and not

substantial deficiencies and thereafter on failure of colleges to make amends power to stop admission in the next academic year, has been conferred. On the other hand, section 19 of 1973 Act which relates to withdrawal of recognition of qualification awarded admittedly provides for a more elaborate procedure involving several authorities i.e., Central Govt., the CCH, State Govt. and the University who were involved in the process of grant of recognition of qualification, affiliation and permission.

14.2 True it is that the procedure enshrined in Section 19 of 1973 Act appears to be comparatively more comprehensive, but Clause 3 of 2013 Regulations satisfies the basic requirements of concept of "reasonable opportunity?". This is evident from the provision allowing existing colleges to remove deficiencies, granting conditional permission awaiting removal of deficiencies. Therefore, Clause 3 of 2013 Regulations cannot be categorized as falling foul of reasonableness clause under Article 14 Constitution of India. This court is thus of the considered view that Clause 3 provides for adequate measures and safeguards to prevent said Clause from being sacrificed at the alter of Article 14 Constitution of India.

15. The ground of inspection report prepared by 3 members but signed by only 2 who appended signatures on different dates cannot be of any avail to the petitioner in the face of the fact of petitioner not having cured the fundamental deficiencies of the minimum standards requirements even by the statutorily prescribed date of 31/12/2014. More so, neither the Act nor the Regulations stipulate that all the 3 members of the inspection team should sign the report to save it from being rendered invalid. 15.1 It is pertinent to point out that in para 5.5 of the petition (W.P.No.8689/16) averment is made that inspection was carried

out by the CCH qua the academic year 2016-17 and therefore the contention that despite request no inspection was carried out, cannot be accepted.

16. As regards the ground that this court should await submission of the report by the newly constituted committee headed by the Collector of the same district, it does not deserve any heed. 16.1 The adjudication by this court is of the legality and validity of the impugned order vide Annexure-P/1. The said adjudication is based upon the events that took place anterior to the passing of the order and cannot be guided by any event which takes place subsequent to the passing of the impugned order. Thus, the posterior event of constitution of Committee headed by Collector is of no avail to the petitioner.

17. The other ground of similar matter pending at the Principal seat is also of no avail since this court is not bound to await decision by a coordinate bench at the Principal seat in matter of similar nature. The question of awaiting the decision in a matter involving similar issue for the sake of maintaining judicial discipline can arise only when the said similar matter is pending before a higher court and not before a court of coordinate jurisdiction.

18. The last ground raised by the petitioner that no heed has been given to the order of affiliation granted by the M.P. Medical Science University Jabalpur vide letter dated 24/5/2016 for the academic year 2015-16, it is needless to emphasize that bare perusal of the order of affiliation dated 24/5/16 reflects that the same is subject to certain conditions that the rules and the norms fixed by the Central Council of Homeopathy and the Central Govt. shall be complied with by the petitioner-institute. 18.1 In the instant case, Central Govt. on the recommendation

of the CCH has found the petitioner-college wanting in material and substantial minimum standards requirements prescribed in 2013 Regulations.

19. In view of above discussions, this court has no instigation to hold that action of the respondents neither suffers from any illegality nor for want of jurisdiction. Thus, the impugned order warrants no interference in writ jurisdiction under Article 226 of the Constitution of India.

20. Consequently, Writ Petition No. 8301/16 (Shri Ramnath Singh Homoeopathic Medical College Vs. Union of India & others) and Writ Petition No. 8689/16

(Sophia Homoeopathic Medical College Vs. Union of India & others) fail and are hereby dismissed with no order as to cost.