

संख्या/ F.No.R.12011/29/2015-EP (IM-1) for 2018-19

भारतसरकार

Government of India

आयुर्वेद, योगवैद्यकीयचिकित्सा, यूनानी, सिद्धावहोम्योपैथी (आयुष) मंत्रालय
Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy

“आयुषभवन”/ “AYUSH BHAWAN”

“बी” ब्लॉक, जी.पी.ओ. कामप्लेक्स, ‘B’ Block, GPO Complex,
आई.एन.ए., नईदिल्ली-110 023, /INA, New Delhi-110 023

दिनांक/Dated:26.09.2018

ORDER

WHEREAS, the **Prasanna College of Ayurved College and Hospital, at Laila, Belthangady-574214, Karnataka**, was granted conditional permission under section 13C of the IMCC Act, 1970 to take admission in UG (BAMS) course with 100 seats for the academic year 2017-18 vide Ministry's letter no. R.12011/29/2015-EP (IM-1) dated 08.08.2017.

2. WHEREAS, a copy of the above mentioned order dated 08.08.2017 was also sent to the Secretary, Central Council of Indian Medicine (CCIM), New Delhi for information and necessary action with the remarks that the resumption of admissions for the academic year 2018-19 may be considered by the Central Government on the basis of a recommendations of the CCIM based on an inspection to verify the Compliance submitted by the College in terms of the provisions under the IMCC Act and the relevant regulations;

3. WHEREAS, the CCIM had *suo moto* visited the college on 03.02.2018 and re-visited on 21-22.05.2018 to reassess the available facilities of teaching and practical training as well as to verify the compliance report submitted by the college and furnished its report and recommendations to the Central Government vide letter Ref.No.4-136/2018-Ay. dated 26.07.2018. The CCIM had forwarded the visitation report to the Ministry of AYUSH and recommended for not granting permission for UG (BAMS) course with 100 seats for the session 2018-19 under section 13A/13C of the IMCC Act, 1970 with following shortcomings:-

1. Teaching staff:-

- (i) There is shortage of 01 higher faculty i.e. Professor in the department of Ayurved Samhita & Sidhanta against the minimum requirement of 01.
- (ii) There is 01 higher faculty in the department of Swasthviritta against the minimum requirement of 02.
- (iii) There 01 lower faculty i.e. Professor in the department of Prasuti & Stri roga against the minimum requirement of 02.
- (iv) There is no Yoga Teacher against the minimum requirement of 01.

Bilal Tarek
26.9.18

2. **Hospital staff:-**

- (i) There is 02 Pharmacists available against the department of 04.
- (ii) There is no Medical specialist, Obstetrician & Gynecologist, Pathologist, Anesthesiologist, Ophthalmologist, Pediatrician, and Dentist Modern Medical staff against the against the minimum requirement of 01 each as per detail mentioned in annexure of hospital staff.

4. WHEREAS, the recommendations and visitation report of the CCIM have been carefully examined in terms of the "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 as per approved Standard Operative Procedures (SOPs) and policies issued from time to time for issuing Conditional Permission for this purpose;

5. WHEREAS, on examining the case in light of above notified & approved criteria and on perusal of visitation report, it was observed that the college was not fulfilling the basic eligibility condition and the following deficiencies were found:

1. Only 02 part time teachers are available against the requirement of 08.
2. Yoga teacher is not available.
3. Web based computerised central registration system is not available.
4. X-ray, USG, ECG is not available in the hospital.
5. Aadhaar based Geo location enabled attendance system not available.

6. WHEREAS, considering the deficiencies observed therein as mentioned in para 5 above, the college was given an opportunity of hearing vide Hearing Notice No.R.12011/29/2015-EP(IM-1) for 2018-19 dated 09.08.2018 in terms of the first proviso to sub-section (5) of Section 13A of the IMCC Act, 1970 to appear on 18.08.2018 at 9:30 AM before the designated Hearing Committee in the Ministry of AYUSH to present their case and to show cause as to why the permission to take admissions to UG (BAMS) course under section 13C of the IMCC Act for the year 2018-19 should not be denied to the college. The college was instructed to make oral as well as written submissions in respect of the case. Therefore, a Hearing Committee consisted by the Ministry of AYUSH and the representatives of the college submitted oral as well as written submissions against the deficiencies conveyed to them vide the Ministry's letter dated 09.08.2018.

7. WHEREAS, in view of the observation of the Hearing Committee based on submission made by the college representatives during hearing and the recommendations and visitation report of the CCIM referred in para 3 above, it can be understood that as per the notified and approved norms for 2018-19 session as mentioned in para 4 above, the representatives of the college could not produce sufficient document/evidence to substantiate their claim to fulfill the shortcomings mentioned as para 5 above. Therefore, **Prasanna College of Ayurved College and Hospital, Karnataka**, is not fulfilling the basic minimum requirements even for grant of conditional

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permission for the academic session 2018-19 like- required number of Part time teachers (including Yoga teacher) as per Schedule IV & V of RMS 2016, Web based computerised central registration system as per sub regulation (3-i) of Regulation 7 of RMS 2016, X-ray, ECG & USG facilities in the hospital as per sub regulation(7) of regulation 7 of RMS 2016, and Aadhaar based Geo location enabled attendance system which is installed but is not functioning as per RMS and approved SOPs/policies issued from time to time.

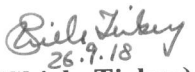
8. WHEREAS, in view of the shortcomings and deficiencies mentioned in above paras, it is found that the said college has not rectified all the deficiencies as communicated vide hearing notice dated 09.08.2018 and thus the college is not fulfilling the requirements as per sub-regulation (3) of regulation 3 of RMS, 2016, as per approved Standard Operative Procedures (SOPs) and other relevant regulations for granting conditional permission for 100 seats in UG (BAMS) course for the academic session 2018-19;

9. NOW, THEREFORE, in view of the shortcomings and deficiencies particularly about the non-availability of required number of Part time teachers (including Yoga teacher), Web based computerised central registration system, X-ray, ECG & USG facilities in the hospital, and Aadhaar based Geo location enabled attendance system, which violate the provisions of the IMCC Act and the relevant regulations and is of such a serious and fundamental in nature that they adversely affect the ability of the College to provide quality medical education in terms of the provisions of the IMCC Act and the relevant regulations. Therefore, **Prasanna College of Ayurved and Hospital at Laila, Belthangady-574214, Karnataka** is hereby denied of permission for taking admission to **BAMS course with 100 UG seats** under section 13A of the IMCC Act, 1970 for the academic session 2018-19.

10. Further, it is informed that the college is being provided a period up to 31.12.2018 to fulfill the shortcomings observed during this year as mentioned in above paras along with the following requirements, so that the CCIM may carry out inspection of the college for consideration of matter for grant of permission for taking admissions in UG (BAMS) course from the academic year 2019-20:

- (i) All the Minimum Standards Requirements of infrastructure and teaching & training facilities as specified in Regulation 3 & 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 "Indian Medicine Central Council (Requirements of Minimum Standard of Educations in Indian Medicine) Amendment Regulations, 2016 (for Ayurveda college); and
- (iii) All the requirements under the provisions of the IMCC Act, 1970 and relevant Regulations made thereunder should be fulfilled *in toto*.

11. This issues with the approval of the competent authority.


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(Shiela Tirkey)

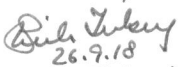
Under Secretary to the Government of India
Ph. No. 011-24651976/80

To

The Principal,
Prasanna College of Ayurved College and Hospital,
at Laila, Belthangady-574214, Karnataka
Fax: 08256-233808; Mob. -9741487347
Email- pet5014@gmail.com

Copy to:

- i. The Secretary, CCIM, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, Delhi-110 058 with reference to letter No.4-136/2018-Ay. dated 26.07.2018, for information with request to conduct a *suo moto* inspection of the college after 31st December, 2018 to verify the compliance submitted by the college in terms of the provisions under the IMCC Act, relevant regulations and norms of the CCIM and shall submit the recommendations and inspection report to the Ministry of AYUSH by the end of March, 2019 positively, so that the matter with regard to grant of permission from the academic session 2019-20 may be considered well before the start of next academic session.
- ii. The Principal Health Secretary, Government of Karnataka, R.No.109, Multistoried Building, III, Bangalore – 560001, Karnataka for information and with request to ensure that no admissions are made in the college in UG (BAMS) course for the academic session 2018-19.
- iii. The Registrar, Rajiv Gandhi University of Health Sciences, 4th 'T' Block, Jayanagar, Bangalore – 560041, Karnataka for information and with request to ensure that no admissions are made in the college in UG (BAMS) course for the academic session 2018-19.


26.7.18
(Shiela Turkey)

Under Secretary to the Government of India

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF OCTOBER 2018

PRESENT

THE HON'BLE MR. JUSTICE A.S. BOPANNA
AND

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR
WRIT PETITION NO 44321 / 2018 (EDN-MED-ADM)

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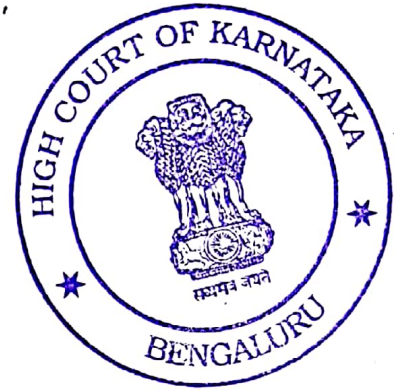
Petitioner:

FRASANNA COLLEGE OF AYURVEDA AND HOSPITAL
LAILA, BELTHANGADY, DAKSHINA KANNADA-574214
REP BY ITS PRINCIPAL DR B K PRASHANTH
S/O B KRISHNA BHAT, AGED ABOUT 38 YEARS.

By Sri D R RAVISHANKAR, ADV.,
Vs

Respondents:

- 1 THE UNION OF INDIA
BY MINISTRY OF AYURVEDA, YOGA
NATUROPATHY, UNANI, SIDDHA & HOMEOPATHY (AYUSH),
AYUSH BHAWAN, B BLOCK, GPO COMPLEX, INA,
NEW DELHI-110023.
REP BY ITS PRINCIPAL SECRETARY.
- 2 THE CENTRAL COUNCIL OF INDIANMEDICINE
JAWAHAR LAL NEHRU BHARTIYA, CHIKITSA AVAM,
HOMOEOPATHY ANUSANDHA BHAWAN 61-65,
INSTITUTIONAL AREA, JANAKPURI D BLOCK,
NEW DELHI-110058, REP BY ITS SECRETARY.
- 3 RAJEEV GANDHI UNIVERSITY OF
HEALTH SCIENCES-KARNATAKA, 4TH T BLOCK,
JAYANAGAR, BENGALURU-560041,
REPT BY ITS REGISTRAR.
- 4 THE KARNATAKA EXAMINATION AUTHORITY
SAMPIGE ROAD, 18TH CROSS, MALLESWARAM,
BENGALURU-560055, REP BY ITS SECRETARY.



Ms. M.BIRDY AIYAPPA, CGC & SRI. C. SHASHIKANTA, ASG,
FOR R1, SRI. MAHESH R. UPPIN, ADV., FOR R2, SRI. N.K. RAMESH,
ADV., FOR R3 & R4.

Whereas, a Writ Petition filed by the above named
Petitioner under Article 226 & 227 of the Constitution of India, has
been registered by this Court.

After hearing, the Court made the following :

: ORDER :

List this petition along with WP. No.44862/2018, since the
petitioner contend to be similarly placed as that of the petitioner

(...2)

therein and since, we have taken note of the decision of the Hon'ble Supreme Court and also the Co-ordinate Bench at Dharwad while granting the interim order, there shall be interim stay of Annexure-H.

Sd/-
Judge

Sd/-
Judge

// COPY //

Savithri A S 25/10/18
(A.S. SAVITHRI)
Assistant Registrar
25/10/18 bme
25/10

NOTE : Annexure-H to the Writ Petition is the copy of the order bearing F.No.in R.12011/29/2015-EP(IM-1) dated 26.09.2018 for the academic year 2018-19 passed by Respondent No.1.

Savithri A S 25/10/18
(A.S. SAVITHRI)
Assistant Registrar.
25/10/18 bme
25/10/18

HM

