

Court Matter
Permission letter

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
Dated 16. 03. 2021

To

The Principal,
G.D. Memorial Homoeopathic Medical College & Hospital,
East Ram Krishna Nagar,
Patna Bihar-800027
Email ID: gdmemorialhmch@gmail.com

Subject: In compliance to the Order dated 01.03.2021 passed by the Hon'ble High Court of Delhi at New Delhi in W.P. (C) 2110/2021 and connected matters and W.P. (C) 2756/2021 in respect of G.D. Memorial Homoeopathic Medical College & Hospital, Patna Bihar for Admission matter to UG & PG Courses (Hom.) for session 2020-21 -reg

Sir/ Madam,

In supersession of the Ministry's earlier letter of even number dated 13.02.2021, I am directed to refer to the provisions prescribed under Section 12C of the Homoeopathy Central Council Act, 1973 and regulations made thereunder and Ministry's policy for the academic year 2020-21, In order to verify the compliance of availability of standards by the College, the Board of Governors to CCH was examined the Part-1 of the proforma of inspection of college submitted by the **G .D. Memorial Homoeopathic Medical College & Hospital, Patna Bihar** online as per policy dated 25.06.2020 of the Ministry and submitted the recommendation to the Ministry vide their letter F.No. 15-8/2020-CCH (Visitation Matter)/3617 dated 12.11.2020 for the academic year 2020-21. The recommendation of executive committee to the board of Governors of CCH is as under: –

"Recommended for allowing admission in l-BHMS Course for the session 2020-21 with the intake capacity of only 60 seats due to insufficient teaching faculties, as 16 teachers (out of 46 teachers for UG) considered ineligible due to discrepancies in their documents. The Committee also recommended for allowing admission in M.D. (Hom) Course with 26 seats namely Organon of Medicine-04, Repertory-05, Pharmacy-03, Practice of Medicine-06, Paediatrics-03, Psychiatrics-05 seats during 2020-21 and no PG seats in the subject of Materia Medica due to insufficient no. of teaching faculties, as 18 teachers (out of 35 teachers for PG) considered ineligible due to discrepancies in their documents."

2. On the basis of examination of the Part-1 submitted by the College and CCH observation, the subject cited college was not found complying the norms for 100 UG and 42 PG seats, therefore, vide this Ministry's letter dated 20.11.2020, the applicant was given an opportunity

of hearing on 01.12.2020 before the designated hearing Committee online to represent the case. The applicant was appeared before the designated hearing Committee on 01.12.2020 online and made their submission. Bases on the submission of the college during hearing, observation of the Hearing Committee and Ministry's observation, the aforesaid college was not found fulfilling the norms of the HCC(MSR), 2013 for granting permission for admission with intake capacity of 100 UG seats and 42 PG seats.

3. However, submission of the college along with enclosures submitted during the hearing and observation of the hearing committee was referred to the Central Council of Homoeopathy which is the Regulator for homeopathy education, vide this Ministry's letter of even number dated 05.01.2021, to examine these documents with respect to their authenticity, applicability and eligibility of concerned teachers and accordingly, provide fresh recommendation.

4. Subsequently, CCH vide their letter No. 15-11/2020- CCH (104-11)/5057 dated 20.01.2021 has furnished fresh recommendation as under:

"The Executive Committee considered the letter dated 05/01/2021 of the Ministry of AYUSH along with its enclosures including the observations of the hearing committee. The Committee decided to restrict its recommendation to the eligibility of the concerned teachers only by further considering the fresh documents received from the Ministry.

Regarding the non-submission of the affidavit of certain teachers, the committee agreed to the office examination notes as being eligible on the submitted affidavit provided by the Dr Rajendra Choudhary. As such committee recommends considering Dr Rajendra Choudhary as eligible teacher.

Regarding Dr Sant Kumar Singh, no decision could be arrived due to non-availability of the documents. Also, no decision could be made against Dr Hemant Kumar Singh Prabhat due to non-availability of the relevant documents. Regarding re-employment of certain teachers after superannuation, the committee agreed that no distinction can be made on the applicability of said order of Bihar Government, between the Government and private teachers. As such the committee recommended to consider the eligibility of the concerned teachers, in the same manner as has been done in the case of Government R. B. T. S. Homoeopathic Medical College, Muzaffarpur in the State of Bihar, provided the required procedure are followed while re-employing such teachers.

The reasons for long medical leave for teachers, whose names were not mentioned in teachers' list of previous year's inspection report, Committee agrees with the observations of hearing committee.

Further the committee is of the opinion that the clarifications provided in the fresh affidavits provided by the concerned teachers for mismatch of signatures are not satisfactory. As such committee reiterates its earlier decision conveyed to the Ministry regarding eligibility of the concerned teachers."

Therefore CCH has reiterated its earlier decision of recommendation vide CCH letter no. F.No.15-8/2020-CCH(Visitation matter)/3617 dated 12.11.2020" as stated at para 1 above.

5. Accordingly, after considering the provisions of section 12C (1) of Homoeopathy Central

Council Act, 1973 and HCC(MSR) Regulations, 2013, and the recommendation of the Board of Governors to CCH dated 20.01.2021 in Para 4 above and the earlier recommendations of the Board of Governors to CCH dated 12.11.2020, referred in Para 1 above, vide this Ministry's letter of even number dated 13.02.2021, aforesaid college was granted conditional permission for continuing admissions in 1- BHMS course during the academic year 2020-21 with intake capacity of only sixty (60) seats and PG Course with 26 seats namely Organon of Medicine-04, Repertory-05, Pharmacy-03, Practice of Medicine-06, Paediatrics-03, Psychiatrics-05 seats and denial of PG admission in the subject of Materia Medica.

6. However, aforesaid college has filed case in the High Court of Delhi at New Delhi by W.P. (C) 2756/2021 with CM APPL. 8294/2021, CM APPL. 8295/2021, which has been heard on 01.03.2021 in the connected matter of the W.P.(C) 2110/2021. The relevant part of the judgment dated 01.03.2021 in W.P. (C) 2110/2021 and connected matters are as under.

"4. Pursuant to these orders, the learned Additional Solicitor General has today submitted a "Status Note". He states that the show cause notices and denial orders assailed in these petitions would be withdrawn, and fresh show cause notices would be issued to the petitioner institutions. A copy of the aforesaid Status Note is taken on record, and the contents thereof are reproduced herein below:

" 3. That, in addition, to obviate further difficulties/ complexities as a result of the Covid-19 pandemic and to allay any/ all reservations (without prejudice to the AYUSH Ministry/CCIM's stand before this Hon'ble Court), the Respondent-Union of India now proposes the following onetime measures by treating the academic year 2020 - 2021 as an exceptional/unprecedented year:

a. The AYUSH Ministry will grant a conditional approval/permission for the academic year 2020-21 to those institutions which have continuously received permission from Ministry of AYUSH for the preceding 5 academic years, on the basis of the affidavits/ documents already submitted by them. The existing show cause notices and any consequent orders issued against such institutions will stand withdrawn, and no fresh show cause notices will be issued to such institutions.

7. In view of the above, on examination, it has been observed that **G .D. Memorial Homoeopathic Medical College & Hospital, Patna Bihar** fall under para 4 (3) (a) of the status note.

8. Therefore, **in compliance of the Order dated 01.03.2021 passed by the Hon'ble High Court of Delhi in W.P. (C) 2110/2021 and connected matters and W.P. (C) 2756/2021, conditional permission of the Central Government is hereby granted to G .D. Memorial Homoeopathic Medical College & Hospital, Patna Bihar for continuing admissions in BHMS course with 100 seats in UG (BHMS) course and PG Course in 07 subjects namely Organon of Medicine, Pharmacy, Materia medica, Practice of Medicine, Repertory, Paediatrics, Psychiatry with 06 seats for the academic session 2020-21.**

9. It is further informed that, minimum 15% of undergraduate seats and 15% of Post Graduate seats (wherever applicable) of the permitted intake capacity of BHMS course and MD(Hom) course respectively shall be treated as All India quota. The counselling for seats under All India quota shall be conducted by respective counselling Authority of State / UT

Government as designated by the Central Government vide letter F. No. L. 11011/02/2020-E-(1) dated 26.10.2020 for A.Y. 2020-21 and counselling for the remaining 85% seats or as the case may be, shall be conducted by the concerned counselling Authority of that State / UT. **The permission of the college stands withdrawn if the college fails to comply with the aforesaid direction of the Central Government for All India quota or the students admitted thereunder.**

10. Admissions made in violation of the above conditions will be treated as invalid and action will be initiated under HCC Act & Regulations made thereunder. Discrepancies, if any, may be immediately brought to the notice of CCH and the Central Government.

11. The College shall comply with the provision for providing EPF and ESI facilities to the teaching, Non-teaching staff of the College/Hospitals and regularly paying the same as per the provisions of Employees' Provident Funds and Miscellaneous Provident Act, 1952 & ESI Act, 1948 and relevant Rules and Regulations.

12. Further, the College shall comply with the procedure to get permanent registration of the Teachers,/ Hospital Clinical Staff/ Consultant in concerned State Boards/ Council where the college/ hospital is located or Central Registration of CCH as per the decision conveyed vide CCH's letter no. 15-1/2018-CCH(3)/18510-18768, dated 16th January, 2019 and decided by the High Court of Delhi in W.P. No. 2369 of 2019, which will be verified by the Council during next visitation while considering the matter for grant of permission for the A.Y. 2021-22.

13. Further, it is informed that the compliance of the all the requirements under the provisions of the HCC Act, 1973 and relevant Regulations made thereunder by the college up to 31.12.2020, will be taken in to consideration for grant / denial of permission for the next academic year 2021-22.

14. Please acknowledge the receipt of this letter.

This issued with the approval of Competent Authority.

Yours faithfully,

(Dr S R K Vidyarthi)
Director

Copy to:

- i. The Secretary, CCH, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058 for information and necessary action.
- ii. The Principal Secretary (Health &FW), Department of Health, Government of Bihar, Vikas Bhawan, New Secretariat, Patna, Bihar -800015
- iii. The Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur, Bihar

--Sd----
(Dr. S. R.K. Vidyarthi)