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EX-A-5

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

515428

CIVIL APPEAL NO. 8319-8320 OF 2010  
(Arising out of SLP (C) No. 3505-3506/2009)

CENTRAL COUNCIL OF INDIAN MEDICINE

Appellant (s)

VERSUS

ASSOCIATION OF MANAGEMENT OF AYURVEDIC COLLEGE  
OF MAHARASHTRA & ORS.

Certified to be true copy  
Assistant Registrar (Judl)  
8-10-2010  
Supreme Court of India  
O R D E R

Respondent (s)

Leave granted. Heard.

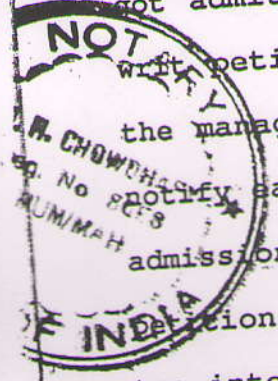
2. The Respondents 1 and 2 (Association of Management of Ayurvedic College of Maharashtra and another) filed Writ Petition No. 9268 of 2007 for declaring that Section 13C of the Indian Medicine Central Council (Amendment) Act, 2003 ('Amendment Act' for short) and Regulations 3 and 5(1)(a) of Indian Medicine Central Council (Permission to Existing Medical Colleges) Regulations, 2006 (for short 'Regulations') are unconstitutional and to strike down the same. They also sought a declaration that the provisions of Regulations are not applicable to Ayurvedic Colleges in Maharashtra.

3. In the said petition, the High Court made an interim order dated 23.4.2008 directing the respondents in the writ petition, that is, Union of India, the appellant and others to forebear from taking action against the Ayurvedic colleges under Regulations 3 and 5(1)(a) and



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other provisions of the Regulations and Section 13C of the Act. By a subsequent interim order dated 22.10.2008, another Division Bench of the High Court observed that admissions, if any, made without sanction by the appellant-Council would be at the risk of the students who got admitted and shall be subject to the outcome of the writ petition. The Division Bench further directed that the management of each of the Ayurvedic Colleges, should notify each student admitted about the said order that the admission shall be subject to the outcome of the writ petition. The appellant Council has challenged the said two interim orders. On 12.5.2009, this Court stayed the impugned orders.



4. By a subsequent order dated 12.5.2010 this Court directed that in regard to institutions which have removed the deficiencies pointed out by the appellant Council during the academic year 2009-10 (that is, all colleges other other than 10 colleges referred to in Annexure 'A' of the affidavit dated 19.4.2010 filed by the appellant) the seventh respondent University shall proceed to declare the results and take all consequential action.

5. All that requires to be noticed in regard to the impugned interim order dated 23.4.2008 is that even before the High Court adjudicated upon the validity of the statutory provisions, it ought not to have granted the

interim order, directing the appellant and the other respondents in the writ petitions to forbear from taking action against the colleges under Section 13C of the Act and the provisions of the Regulations, in particular, Regulations 3 and 5(1)(a). Such an interim order would frustrate the very purpose of introduction of Section 13C and making of the Regulations, even before their validity is adjudicated. We are of the view that such an interim order which virtually amount to allowing the writ petitions at the stage of interim order without final adjudication, cannot be sustained. The subsequent order dated 22.10.2008 is consequential.



We, therefore, allow these appeals and set aside the interim orders dated 23.4.2008 and 22.10.2008. It will be open to any of the affected Colleges and the applicant in I.As 18-19 of 2010 (Sunil Ramsinh Chunawale Ayurved Mahavidyalaya) to approach the High Court in accordance with law for further orders in continuation of the order dated 12.5.2010 (referred in para 4 above). All contentions are left open and to be urged in the pending writ petition. All pending applications stand disposed of.

.....J.  
[R.V. RAVEENDRAN]  
  
.....J.  
[H.L. GOKHALE]

NEW DELHI  
SEPTEMBER 27, 2010