

I/37572/2021(3)

By Speed Post/E-mail
Permission letter

In compliance to Hon'ble Court Order

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

To

The Principal,
Devki Mahaveer Homoeopathic Medical College and Research Hospital
at Farathiya, Garwa-822114,
Jharkhand
Email Id- dmhmcrh_garhwa@rediffmail.com

Subject: In compliance to the Order dated 12.04.2021 passed by the Hon'ble High Court of Jharkhand at Ranchi in W.P (C) No. 97/(2021) and Order dated 01.03.2021 passed by the Hon'ble High Court of Delhi in W.P. (C) 2110/2021 and connected matters, in compliance to the said order in respect of Devki Mahaveer Homoeopathic Medical College and Research Hospital, Farathiya, Garhwa, Jharkhand Denial for Admission matter to UG (Hom.) for session 2020-21 with 50 seats -reg

Sir/ Madam,

In supersession of the Ministry's earlier Order of even number dated 31.12.2020, 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 had examined the Part-1 of the proforma of inspection of college submitted by the **Devki Mahaveer Homoeopathic Medical College and Research Hospital, Farathiya, Garhwa, Jharkhand** online as per policy dated 25.06.2020 of the Ministry and submitted the recommendation to the Ministry vide their letter No.15-8/2020-CCH (Visitation matter)/3043 dated 12.10.2020 for the academic year 2020-21. The recommendation of executive committee to the Board of Governors of CCH is as under: -

"Recommended for not allowing admissions in existing UG Course with 50 seats for the session 2020-21 due to absence of single teacher in the Dept. of Anatomy, discrepancies in teaching faculties which could not be verified from attendance registers, much less salary of teaching faculties creating doubt of on paper teachers and other deficiencies.

The Committee also recommended to apprise the Ministry about ineligible teachers. Details of ineligible teachers are as under:

1. Dr Prasanta Chatopaddhaya (Prof, Anatomy)- not considered eligible as age exceeding 40 yrs. at the time of joining as Lecturer (DOB 15-10-56; appointment dated 2-1-07), no previous experience.
2. Dr Satendra P Singh (Lecturer, Anatomy)- not considered eligible as age exceeding 40 yrs

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at the time of joining as Lecturer (DOB 15-7-63; appointment dated 12-11-12), no previous experience.

3. Dr Dhananjaty Chaterjee (Read, Organon)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 9-6-64; appointment dated 8-4-14), no previous experience.

4. Dr PrabhaK Prabhat (Lecturer, Pharmacy)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 5-7-61; appointment dated 29-12-11), no previous experience.

5. Dr. Suresh Chandra (Lecturer Pharmacy)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 25-10-57; appointment dated 23-4-11), no previous experience.

6. Dr Laliteshwar Prasad(Lecturer, MM)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 29-11-65; appointment dated 10-5-07), no previous experience.

7. Dr Sukanta Mukherjee (Prof, Pathology)-not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 2-2-61; appointment dated 2-1-07), no previous experience.

8. Dr Lallan Prasad (Lecturer, Pathology)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 3-10-63; appointment dated 12-12-11), no previous experience.

9. Dr Laxman Trivedi (Lecturer, FMT) not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer(DOB 5-6-70; appointment dated 2-1-12), no previous experience.

10. Dr Inderjeet Ram(Reader, POM)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 1-1-64; appointment dated 16-7-10), no previous experience.

11. Dr Ghulam Ajmeri (Lecturer, POM)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 19-1-66; appointment dated 15-10-11), no previous experience.

12. Dr Tarun K Ghosh (Prof, Surgery)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 11-9-61; appointment dated 7-1-10), no previous experience.

13. Affidavit for Lecturer (Repertory) and Reader (Anatomy & Surgery) not provided.

The reasons for recommendation for not granting permission to the Applicant College and Hospital are as under:-

1. Details of Hospital staff, teaching staff, non teaching staff, Student data, & IPD/OPD details not updated in college website: www.dmhcgarhwa.com

2. The college has not complied with the provisions of Employee's Provident Funds & Miscellaneous Provident Act 1952 & ESI Act, 1948 and relevant Rules and Regulations.

3. College has provided a list of 37 teachers, but 15 teachers found ineligible without any single teacher in the Dept. of Anatomy. Further, discrepancies in teaching faculties could not be verified from attendance registers with much less salary of teaching faculties creating doubt of on paper teachers. Details of ineligible teachers are as under:

a. Dr Prasanta Chatopaddhaya (Prof, Anatomy)- not considered eligible as age exceeding 40 yrs. at the time of joining as Lecturer (DOB 15-10-56; appointment dated 2-1-07), no previous experience.

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b. Dr Satendra P Singh (Lecturer, Anatomy)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 15-7-63; appointment dated 12-11-12), no previous experience.

c. Dr Dhananjaty Chaterjee (Read, Organon)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 9-6-64; appointment dated 8-4-14), no previous experience.

d. Dr PrabhaK Prabhat (Lecturer, Pharmacy)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 5-7-61; appointment dated 29-12-11), no previous experience.

e. Dr. Suresh Chandra (Lecturer Pharmacy)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 25-10-57; appointment dated 23-4-11), no previous experience.

f. Dr Laliteshwar Prasad(Lecturer, MM)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 29-11-65; appointment dated 10-5-07), no previous experience.

g. Dr Sukanta Mukherjee (Prof, Pathology)-not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 2-2-61; appointment dated 2-1-07), no previous experience.

h. Dr Lallan Prasad (Lecturer, Pathology)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 3-10-63; appointment dated 12-12-11), no previous experience.

i. Dr Laxman Trivedi (Lecturer, FMT) not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer(DOB 5-6-70; appointment dated 2-1-12), no previous experience.

j. Dr Inderjeet Ram(Reader, POM)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 1-1-64; appointment dated 16-7-10),no previous experience.

k. Dr Ghulam Ajmeri (Lecturer, POM)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 19-1-66; appointment dated 15-10-11), no previous experience.

l. Dr Tarun K Ghosh (Prof, Surgery)- not considered eligible as age exceeding 40 yrs at the time of joining as Lecturer (DOB 11-9-61; appointment dated 7-1-10), no previous experience.

m. Affidavit for Lecturer (Repertory) and Reader (Anatomy & Surgery) not provided.

4. No eligible higher faculty in the Dept. of Anatomy, Pathology & Surgery.

5. Required number of House Physician (Resident) not available in Hospital.

6. Required number of Refrigerator not available in Hospital equipment.

7. Required number of software not available in Dept. of Repertory."

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, therefore, vide this Ministry's Hearing Notice of even no. dated 28.10.2020, the applicant was given an opportunity of hearing on 09.11.2020 before the designated hearing Committee online to represent the case. The applicant was appeared before the designated hearing Committee on 09.11.2020 online and made their submission. Based on the submission of the college during hearing, observation of the Hearing Committee and Ministry's observation, the aforesaid college was not found fulfilling

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the norms of the HCC(MSR) 2013. Accordingly, vide this Ministry's Order of even number dated 31.12.2020, aforesaid college was denied permission for the academic Year 2020-21.

3. Thereafter, the afore-said college has challenged the Ministry's order dated 31.12.2020 by filing the W.P. No. 97 of 2021 before the Hon'ble High Court of Jharkhand at Ranchi. The Hon'ble High Court has denied the interim relief to the Petitioner College.

4. Further, Ministry has received representation dated 07.01.2021 and 30.01.2021 from the aforesaid college for reconsideration. Accordingly, Ministry has reconsidered the said representations of the petitioner, which has been examined and it has been found that no additional documents has been submitted to substantiate their claim in respect of having eligible teaching faculties. Accordingly, thereafter, Ministry has also reiterated its earlier decision vide Ministry's order dated 04.03.2021.

5. However, aforesaid college has filed a case in the in the High Court of Jharkhand at Ranchi Delhi in W.P. (C) No. 97 of 2021, which has been heard on 12.04.2021, and Order dated 01.03.2021 in the connected matter of the W.P.(C) 2110/2021. The Hon'ble High Court of Jharkhand vide order dated 12.04.2021 has allowed the college to withdraw the petition with the permission to consider the representation dated 03.03.2021 to this Ministry. Therefore, the writ petition is dismissed as withdrawn.

6. 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.*
- b. The remaining aggrieved institutions would be issued a fresh show cause notice categorically pointing out the deficiencies in detail, along with the documents required*

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for scrutiny and the date of hearing. It is made clear that no new deficiencies would be identified by the AYUSH.

7. In view of the above, on examination, it has been observed that **Devki Mahaveer Homoeopathic Medical College and Research Hospital, Farathiya, Garhwa, Jharkhand** fall under para 4 (3) (a) of the status note.

8. Therefore, in compliance to 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 Order dated 12.04.2021 passed by the the Hon'ble High Court of Jharkhand at Ranchi in W.P. (C) No. 97 of 2021, conditional permission of the Central Government is hereby granted to Devki Mahaveer Homoeopathic Medical College and Research Hospital, Farathiya, Garhwa, Jharkhand for continuing admissions in BHMS course with fifty (50) seats in UG (BHMS) course for the academic session 2020-21.**

9. It is further informed that, minimum 15% of undergraduate seats of the permitted intake capacity of BHMS course 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

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college, will be taken in to consideration for grant / denial of permission for the next academic year 2021-22.

14. Further, the college has been provided 05 (five) working days' time to admit the NEET-2020 qualified candidates from issuance of this letter. The admission process shall be completed through respective State Govt. counseling authority and only NEET-2020 qualified candidates, who are having eligibility for admission as per relevant CCH regulations shall be considered for admission. This is a onetime measure and should not be treated as precedent.

15. Please acknowledge the receipt of this letter.

This issues with the approval of Competent Authority.

Yours faithfully,

(Dr. S.R.Chinta)
Deputy Advisor

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), Department of Health and Family Welfare, Government of Jharkhand, Nepal House, Doranda, Ranchi-834002, Jharkhand. Email- hlthdept.fdi@gmail.com
- iii. The Registrar, Vinoba Bhave University, Hazaribagh, Jharkhand. Email registrarvbuhzb@gmail.com

--Sd---
(Dr. S.R.Chinta)
Deputy Advisor