IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 5763 OF 2026**

Shree Chhatrapati Shivaji Education Society And Another ...Petitioners

***Versus***

Union Of India Thr. Secretary Of Ayush And Others ...Respondents

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*Mr. Chetan Patil i/b Mr. Ruturaj Pawar, for the Petitioner.*
*Mr. Rakesh Bhatkar, for the Respondent No. 1-UOI.*
*Mr. Shantanu Patil h/f Mr. Shrikrishna Ganbavale, for the Respondent Nos. 2 and 3.*
*Mr. Nagesh Chavan, for the Respondent No. 4.*

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**CORAM : SHARMILA U. DESHMUKH &**
**SHAILESH P. BRAHME, JJ.**

**DATE : NOVEMBER 20, 2026**

**P. C. :**

**1.** The Petition was circulated urgently seeking directions to the Respondents to permit the Petitioner-college to admit students to the undergraduate (BAMS) course with an intake of 50 seats for the academic session 2026-2027 and to include the Petitioner-college in the seat matrix and remaining rounds of counseling for the said academic session.

**2.** The Petition came to be filed in view of the order dated 23rd September, 2026 issued by the Respondent No. 3-Medical Assessment and Rating Board for Indian System of Medicine declining permission to

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the Petitioner-college to admit students for the academic session 2026-2027.

**3.** The impugned order came to be passed pursuant to a visit by the Respondent No. 3-Board to the Petitioner-college on 12th February, 2026, where it found certain deficiencies concerning the functionality of hospital, the college. It noted absence of teaching staff, deficiency in number of faculty members, absence of hospital staff, absence of records being maintained, and non-functionality of OPDs and IPDs.

**4.** The explanation submitted on 23rd February, 2026 by the Petitioner-college stated that on 9th February, 2026, as intimated by the contractor of National Road Authorities, there was construction of cement road to be started on the road adjacent to the entrance road of the college and hospital, and by reason thereof, the Petitioner-college declared a local holiday for all the staff working in the college and attached teaching hospital from 12th February, 2026 to 14th February, 2026, as there was no alternative entrance to the campus. An email to that effect was forwarded to the Respondent No. 3 on 12th February, 2026. The surprise visit was conducted on 12th February, 2026 and the absence was noted. Subsequent to the hearing being given on 23rd September, 2026, the impugned order came to be passed, noting the various deficiencies and shortcomings and directing compliance by 31st December, 2026.

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**5.** Learned counsel for the Petitioner would submit that it was due to emergent situation that the holiday came to be declared for two days from 12th February, 2026 to 14th February, 2026. He would further submit that the Petitioner-college is an ayurvedic college and is operational since the year 2004. He would submit that the increase in the teaching faculty requirement was introduced in the year 2026. He would submit that without prejudice thereof, as time had been granted to comply with the shortcomings and deficiencies by 31st December, 2026, the same would be done, however, the Petitioner-college cannot be prohibited from admitting students on the said ground. He would also submit that the deficiencies noted in the show cause notice and the punitive policy taken into consideration by the impugned order, differ. He submits that the impugned order cannot travel beyond show cause notice.

**6.** Learned counsel for the Respondent No. 1 would submit that the regulations provide that any intimation about declaration of holiday should be given well in advance, and in the present case, the email has been sent on the same day as the surprise visit. He would further submit that the regulations permit the surprise visit and as deficiencies were noted by the Medical Board, the punitive policy has been invoked.

**7.** Learned counsel for the Respondent Nos. 2 and 3 submits that the shortcomings and deficiencies were noted during the visit and forms the



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basis of the show cause notice, and accordingly, after giving an opportunity of hearing to the Petitioner, the impugned order has been passed. He would submit that as the deficiencies are required to be complied with before any permission can be granted for admitting students, no interference is warranted.

**8.** *Prima facie*, we find from the record the photographs of the work being carried out adjacent to the Petitioner's college road, which shows construction of road hampering the access to the college entrance. The Petitioner-college had intimated by e-mail to the Respondent No. 3 declaration of local holidays from 12th February, 2026 to 14th February, 2026, by reason of construction work of new cement highway being in progress. The show cause notice issued on 20th February, 2026 does not take into consideration the e-mail which has been sent. The declaration of local holidays was by reason of intimation by the contractor about the work proposed to be carried out, and therefore, *prima facie,* there could not be any advance intimation in terms of the regulation. *Prima facie*, it is by reason of the declaration of the holidays, that the OPDs and IPDs were found to be non-functional. The records were stated to be in the custody of the concerned staff and by reason of declaration of holidays, the same were not available for scrutiny. Subsequently, during the hearing of the show-cause notice, the records were produced.

**9.** *Prima facie*, the impugned order takes into consideration the



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deficiencies in the strength of teaching faculty and it is submitted that the requirement has been introduced in the year 2026. The functionality of the hospital *prima facie* came to be affected by reason of declaration of the holidays. By the impugned order, time has been given by the Respondents to fulfill the shortcomings and deficiencies by 31st December, 2026. This Court has been informed that in the month of June 2026, deficit teaching faculties have been recruited, and presently, there are 36 eligible teaching faculties in the college. *Prima facie*, the same shows the intention on part of the Petitioner-college to comply with the requisitions of the impugned order.

**10.** As we find that the deficiencies are capable of being complied, we are inclined to permit the Petitioner to participate in the remaining Stray Vacancy rounds. The permission to be granted by Respondent Nos. 2 and 3 in the course of the day and be communicated to the Respondent No. 4-State Common Entrance Test Cell, who shall include the name of the Petitioner in the online process latest by **"27th November, 2026".**

**11.** List the Petition for further consideration on "**1st December, 2026"**.

**12.** All concerned to act upon the authenticated copy of this order.

**[SHAILESH P. BRAHME, J.]** **[SHARMILA U. DESHMUKH, J.]**

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