

Permission Letter

भारतसरकार
Government of India
(आयुर्वेद, योगवप्राकृतिकचिकित्सा, यूनानी, सिद्ध एवं होम्योपैथी (आयुष) मंत्रालय
Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)

"आयुषभवन"/ "AYUSH BHAWAN"
बी" ब्लॉक, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नईदिल्ली- 110023"
'B' Block, GPO Complex, INA, New Delhi - 110023

Date: 31. 03. 2021

To

The Principal,
Naiminath Homoeopathic Medical College, Hospital and Research Centre,
N.H.-2, Nawalpur, Kuberpur, Etmadpur,
Near Yamuna Expressway, Agra, Uttar Pradesh
Email Id: - nhmcagra@gmail.com
Ph No. - 8193896320

Subject: Compliance of the Order dated 04.03.2021 passed by the Hon'ble High Court of Delhi at New Delhi in W.P. 514/2021 and connected matters and specific W.P.(C) 1002/2021 and W.P.(C) 2164/2021 of Naiminath Homoeopathic Medical College, Hospital and Research Centre, Agra, Uttar Pradesh, for Admission during academic session 2020-21- reg

Sir/ Madam,

In supersession of the Ministry's earlier Order of even number dated 11.02.2021, 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 examined the Part-1 of the proforma of inspection of college submitted by the Naiminath Homoeopathic Medical College, Hospital and Research Centre, Agra, Uttar Pradesh and submitted the recommendation as under:-

"Recommended for not allowing admissions in existing UG and PG Course for the session 2020-21 due to substantial shortage of teaching staffs without any eligible teacher in the Dept. of Anatomy, as 16 teachers considered ineligible due to discrepancies in their documents and other deficiencies.

The Committee also recommended to apprise the Ministry about ineligible teachers, that the college website is not updated and 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. Details of ineligible teachers are as under:

- 1. Dr. Shailesh Aggarwal (Reader, Anatomy)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
- 2. Dr. Ruby Chouhary (Lecturer, Anatomy)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
- 3. Dr. Shobhan Bose (Reader, Physiology), MD (Psychiatry 2006) — not considered eligible*

due to duplicity as submitted 02 separate affidavit in 02 different colleges for the same time i.e. has joined as Reader on 14/12/2018 in present college & simultaneously present as Prof. POM in Devki Mahaveer Homoeopathic Medical College, Garhwa, Jharkhand from 06.11.2014 till date.

4. *Dr. Sachin Goyal (Reader, Organon)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
5. *Dr. Heena Kantibhai (Prof. MM)-signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
6. *Dr. Arun Kumar Gupta (Prof. Pathology)- Age exceeding 65 years (DOB-19/4/54).*
7. *Affidavit of one Reader, Pathology not available.*
8. *Dr. Anil Kumar (Reader, FMT)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
9. *Dr. Pankaj Tripathi (Reader, Repertory)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
10. *Dr. Neha Aggarwal (Reader, MM)-signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
11. *Dr. Manoj Sachan (Lecturer, MM)-signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
12. *Dr. Vijay Kumar Yadav (BHMS, 1995) has joined as Lecturer on 31/3/11 and was promoted to Reader on 2/1/20. As 10 years of Lecturer not completed so not eligible for Reader.*
13. *Dr. Satya Sharan Gupta (Lecturer, Pharmacy) is MD Psychiatry in 2017. DoB-14/8/75 and date of joining is 10/1/18. Age exceeding 40 years so not considered eligible.*
14. *Dr. Mahesh Prasad Gupta (Prof. POM)- Age exceeding 65 years (DOB-15/12/1953).*
15. *Dr. Naveen Gupta (Prof. Pediatrics)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit."*

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

1. *Details of IPD/OPD not available in college website: www.naiminath.org.*
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 only 19 eligible teachers for conducting UG course with 100 seats against the requirement of 28. The college has provided a list of 29 teachers but 10 teachers found ineligible. Similarly, college has provided a list of 18 teachers for 06 PG subjects but 06 teachers considered ineligible due to discrepancies in their documents, thus considered on paper only. Details of ineligible teachers are as under:*
 - a. *Dr. Shailesh Aggarwal (Reader, Anatomy)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
 - b. *Dr. Ruby Chouhary (Lecturer, Anatomy)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
 - c. *Dr. Shobhan Bose (Reader, Physiology), MD (Psychiatry 2006) — not considered eligible due to duplicity as submitted 02 separate affidavit in 02 different colleges for the same time i.e. has joined as Reader on 14/12/2018 in present college & simultaneously present as Prof. POM in Devki Mahaveer Homoeopathic Medical College, Garhwa, Jharkhand from 06.11.2014 till date.*
 - d. *Dr. Sachin Goyal (Reader, Organon)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
 - e. *Dr. Heena Kantibhai (Prof. MM)-signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.*
 - f. *Dr. Arun Kumar Gupta (Prof. Pathology)- Age exceeding 65 years (DOB-19/4/54).*

- g. Affidavit of one Reader, Pathology not available.
- h. Dr. Anil Kumar (Reader, FMT)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.
- i. Dr. Ashish Kumar Aggarwal (Reader, Surgery)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.
- j. Dr. Pankaj Tripathi (Reader, Repertory)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.
- k. Dr. Neha Aggarwal (Reader, MM)-signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.
- l. Dr. Manoj Sachan (Lecturer, MM), signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.
- m. Dr. Vijay Kumar Yadav (BHMS, 1995) has joined as Lecturer on 31/3/11 and was promoted to Reader on 2/1/20. As 10 years of Lecturer not completed so not eligible for Reader.
- n. Dr. Satya Sharan Gupta (Lecturer, Pharmacy) is MD Psychiatry in 2017. DoB- 14/8/75 and date of joining is 10/1/18. Age exceeding 40 years so not considered eligible.
- o. Dr. Mahesh Prasad Gupta (Prof. POM), Age exceeding 65 years (DOB-15/12/1953).
- p. Dr. Naveen Gupta (Prof. Pediatrics)- signature in joining letter and documents for teacher's code, mismatches with the sign in affidavit.
4. Only 08 Guest Faculty available against the requirement of 12 for 100 UG seats.
5. 01 Reader each, in the Dept. of Organon & Repertory and 01 Prof. in the Dept. of Materia Medica for UG course not available.
6. Only 02 Lecturer available in the Dept. of Practice of medicine & 01 Professor in the Dept. of Materia Medica for PG course.”

2. On examination of the Part-1 submitted by the College and recommendation of CCH it was observed that, the college was not fulfilling the criteria of HCC (MSR) 2013. Therefore, vide this Ministry's letter dated 11.11.2020, an opportunity of hearing was given to the college through Video-conferencing on 26.11.2020 to appear before the designated Hearing Committee of the Ministry of AYUSH to present their case. The applicant appeared before the designated hearing Committee on 26.11.2020 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 found to be not fulfilling the norms of the HCC (MSR) 2013. Accordingly, vide this Ministry's letter of even number dated 11.02.2021, the college was denied permission for taking admission during the academic Year 2020-21.

3. However, the college filed a case in the High Court of Delhi at New Delhi in W.P.(C) 1002/2021 & CM APPL. 2736/2021 and W.P.(C) 2164/2021 & CM APPL. 6286/2021, which was heard on 04.03.2021 in the connected matter of the W.P.(C) 514/2021. The relevant part of the order is as under:-

"5. Learned Senior Counsel and learned counsel appearing for the petitioners have made certain further suggestions with regard to the process proposed by the Union of India in the Status Note as recorded in the order dated 01.03.2021. Mr. Apoorv Kurup, learned counsel appearing for the Union of India in several of these matters, Ms. Archana Pathak Dave, learned counsel appearing for the Central Council of Indian Medicine and Mr. Sunil Narula, learned counsel for the Central Council of Homoeopathy have taken note of these suggestions. I do not propose to pre-empt the consideration of the matters afresh by the Union of India at this stage, except to reiterate the contents of the order dated 01.03.2021,

particularly paragraph 10 thereof. It is for the respondents to consider the responses submitted by the petitioners to any show cause notices that may be issued, and deal with the contentions raised by the petitioners in accordance with law.

6. The writ petitions and the pending applications are therefore disposed of in terms of the order of this Court dated 01.03.2021 in W.P.(C) 2110/2021 and connected matters.”

4. 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 for scrutiny and the date of hearing. It is made clear that no new deficiencies would be identified by the AYUSH Ministry/ CCIM, other than those which have been identified in the previous show cause notices/consequent orders of denial of approval and which remain unaddressed."

5. In view of the above, on examination, it has been observed that Naiminath Homoeopathic Medical College, Hospital and Research Centre, Agra, Uttar Pradesh, is covered under para 4 (3) (a) of the status note for BHMS course, as the Ministry has granted permission to the college for taking admission in BHMS course for the preceding 05 academic years and covered under para 4 (3) (b) of the status note for PG course as the PG course was started during A.Y 2016-17 and Ministry has granted permission for PG course for the preceding 04 academic years only.

6. Therefore, in compliance of the Order dated 04.03.2021 in W.P. (C) 514/2021 and connected matters and as mentioned in order dated 01.03.2021 of Hon'ble High Court of Delhi in W.P.(C) 2110/2021 and connected matters, an opportunity of hearing through Video-conferencing was given to the college on 15.03.2021. The representative of the college submitted written submissions before the Hearing Committee.

7. On examination of the submission made by the college during hearing and observation of the Hearing Committee, it has been observed that the college is NOT fulfilling the minimum required criteria of HCC (MSR) 2013 for granting permission for admission during A.Y. 2020-21.

8. However, as the permission to the UG course has been given by this Ministry during preceding 5 academic years, therefore, in compliance of the Order dated 04.03.2021 of High Court of Delhi in W.P. (C) 514/2021 and connected matters with specific W.P.(C) 1002/2021 and W.P.(C) 2164/2021 the conditional permission of central government is hereby granted to **Naiminath Homoeopathic Medical College, Hospital and Research Centre, Agra, Uttar Pradesh for continuing admission in BHMS course only with 100 seats and, PG course is denied.**

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. This issues with the approval of the Competent Authority.

(Dr S R K Vidyarthi)
Director

Copy to:-

- i. The Secretary, CCH, 61-65 Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058. Email Id:- cchindia123@yahoo.com
- ii. The Principal Secretary (H & Family Welfare) Department of Health and Family Welfare, Govt. of Uttar Pradesh, 5th Floor, Room No 516, Vikas Bhawna, Janpath Market, Vidhan Sabha Road, Hazrat Ganj, Lucknow-226001, Email ID : psecup.health@gmail.com.
- iii. The Registrar, Dr. Bhim Rao Ambedkar University, Agra, Paliwal Park, Agra, Uttar Pradesh 282004, Email Id- registrar@dbrau.org.in

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