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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11629/2018

KRISHAK MAHAVIDYALAYA SAMITI & ANR. ... Petitioners  
Through: Mr. Saurabh Prakash, Mr. Kunal  
Gosain, Mr. Utsav Jain & Ms. Devyani Ashna,  
Advocates

Versus

UNION OF INDIA & ANR. .... Respondents  
Through: Mr. Ripu Raman Bhardwaj,  
Advocate

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

% **26.10.2018**

**W.P.(C) 11629/2018 & C.M. 44905/2018**

Petitioners had sought permission for sixty seats in BAMS (UG) course for the academic year 2018-19 and on the infrastructure shortcomings pointed out by respondents, rehearing was granted to petitioners on 10<sup>th</sup> October, 2018 in pursuance to respondent's Communication of 8<sup>th</sup> October, 2018 (*Annexure P-1*).

The grievance of petitioner is that there is no response to petitioner's Representation (*Annexure P-4*) made to respondents on 10<sup>th</sup> October, 2018. It is submitted by petitioners' counsel that there are no infrastructural shortcomings and so, petitioners ought to be permitted to finalize admission in BAMS (UG) course, for which counseling has to take place tomorrow and the last date for taking admission is 31<sup>st</sup>

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High Court Delhi  
New Delhi

October, 2018.

Upon notice, counsel for respondents seeks two days' time to file response to this petition.

Allowed to do so.

Learned counsel for petitioner prays for interim relief by submitting that the last date for counseling is tomorrow i.e. 27<sup>th</sup> October, 2018 and to facilitate the counseling, name of petitioner-College has to be uploaded on respondents' portal i.e. [www.ayush.gov.in](http://www.ayush.gov.in).

In the facts and circumstances of this case, it is deemed appropriate to appoint Mr. Sanyam Khetrapal, Advocate (Mobile: 9873674225) as Court Commissioner, who shall conduct site inspection tomorrow i.e. 27<sup>th</sup> October, 2018 at 2 P.M. at R.K. Ayurvedic Medical College & Hospital, Kashipur Surai, Sathiaon, Azamgarh-243501.

At this stage, learned counsel for second respondent submits that an expert from second respondent will be present at the time of site inspection to assist the Court Commissioner.

Let it be so done.

It is made clear that the inspection be carried out by the Court Commissioner even if there is no assistance by the expert of second respondent. It is also made clear that the site inspection shall be in respect of the shortcomings/ deficiencies pointed out in the impugned order. The Report of the Court Commissioner be submitted, in a sealed cover, to the Court on 30<sup>th</sup> October, 2018. It is clarified that the counseling shall be preceded by intimation to the students that the counseling is subject to the outcome of decision in this petition.

The fee of the Court Commissioner is fixed ₹1,50,000/- plus out of

pocket expenses, which shall be borne by petitioners. The boarding and lodging expenses of the expert/representative of second respondent shall be also borne by petitioner. If needed, the Local Police shall provide requisite assistance to the Court Commissioner.

Let the name of petitioner-College be uploaded on respondents' portal i.e. [www.ayush.gov.in](http://www.ayush.gov.in). to facilitate the counseling.

List on 30<sup>th</sup> October, 2018.

A copy of this order be given *dasti* under the signatures of Court Master to counsel for parties.

OCTOBER 26, 2018

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T.C  
Nirbh  
26/10/18  
Court Master  
High Court of Delhi  
New Delhi

Sd/  
(SUNIL GAUR)  
JUDGE