

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 17TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100734 OF 2025 (EDN - RES)

BETWEEN:

1. NATIONAL COMMISSION
FOR INDIAN SYSTEM OF MEDICINE,
JAWAHARLAL NEHARU BHARATIYA CHIKITSA
AVAM HOMEOPATHY ANUSADHAN BHAVAN
61-65 INSTITUTIONAL AREA,
OPPOSITE TO D BLOCK, JANAKAPURI,
NEW DELHI-110058,
REPRESENTED BY ITS PRESIDENT.
2. MEDICAL ASSESSMENT AND RATING BOARD
FOR INDIAN SYSTEM OF MEDICINE
NCISM, JAWAHARLAL NEHARU BHARATIYA CHIKITSA
AVAM HOMEOPATHY ANUSADHAN BHAVAN
61-65 INSTITUTIONAL AREA,
OPPOSITE TO D BLOCK, JANAKAPURI,
NEW DELHI-110058,
REPRESENTED BY ITS PRESIDENT.



...APPELLANTS

(BY SMT. MANASI KUMAR, ADVOCATE FOR
SRI. AVINASH ANGADI, ADVOCATE)



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AND:

1. DHANWANTRI AYURVEDA COLLEGE
HOSPITAL AND RESEARCH CENTRE,
PO. AVARAGUPPA, TQ: SIDDHAPUR,
UTTARA KANNADA DISTRICT-581355,
REPRESENTED BY ITS VICE CHAIRMAN,
SASHIBHUSHAN HEGDE,
AGED 48 YEARS.
2. DHANWANTRI AYURVEDA COLLEGE
HOSPITAL AND RESEARCH CENTRE
PO. AVARAGUPPA,
TQ: SIDDHAPUR,
UTTARA KANNADA DISTRICT-581355,
REPRESENTED BY ITS PRINCIPAL
DR. ROOPA BHATT
W/O. RAJU BHATT,
AGED 48 YEARS.
3. THE UNION OF INDIA,
MINISTRY OF AYURVEDA, YOGA AND
NATUROPATHY, UNANI,
SIDDHA AND HOMEOPATHY-AYUSH,
AYUSH BHAWAN,
'B' BLOCK, GPO COMPLEX,
INA NEW DELHI-110023,
REPRESENTED BY ITS SECRETARY.
4. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH T BLOCK, JAYANAGAR,
BENGALURU-560 041,
REPRESENTED BY ITS REGISTRAR.
5. KARNATAKA EXAMINATIONS AUTHORITY,
(CET CELL), SAMPIGE ROAD,
18TH CROSS, MALLESHWARAM,
BENGALURU-560012,
REPRESENTED BY ITS DIRECTOR.



6. THE STATE OF KARNATAKA,
DIRECTORATE OF AYUSH,
DHANVANTRI ROAD.

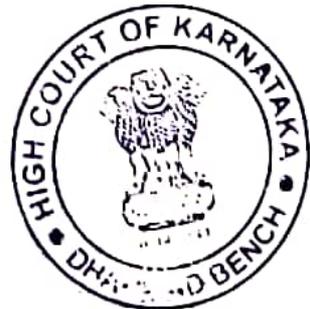
...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, ADVOCATE FOR
SRI. OMKAR L. DESAI, ADVOCATE FOR R1-R2;
SRI. ARVIND G. KAMATH, ASGI AND
SRI. VENKATESH M. KARVI, DSGI FOR R3;
SRI. AVINASH BANAKAR, ADVOCATE FOR R4;
SMT. SURABI KULKARNI, ADVOCATE FOR R5;
SRI. SHARAD V. MAGADUM, AGA FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961 PRAYING TO ALLOW THE
PRESENT APPEAL, CALL FOR THE CONCERNED RECORDS IN
WRIT PETITION NO.106576/2025 AND SET ASIDE THE
IMPUGNED JUDGMENT DATED 12.09.2025 AND PASS SUCH
OTHER ORDERS AS THE HON'BLE COURT MAY DEEM FIT, IN THE
INTERESTS OF JUSTICE AND EQUITY.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON
09.12.2025 AND COMING ON FOR PRONOUNCEMENT OF
JUDGMENT THIS DAY, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Respondent Nos.2 and 3 – National Commission for Indian System of Medicine (for short, 'NCISM') are before this Court under Section 4 of the Karnataka High Court Act, 1961 questioning the correctness and legality of the learned Single Judge's order dated 12.09.2025 in W.P.No.106576/2025, wherein the impugned order dated 25.08.2025 reducing the intake from 100 to 70 seats for the academic session 2025-26 is quashed with a direction to continue intake of 100 seats.

2. The parties would be referred to as per their rank before the learned Single Judge. The appellants herein were respondent Nos.2 and 3 and respondent Nos.1 and 2 were petitioner Nos.1 and 2 before the learned Single Judge.

3. Brief facts of the case are that, it is stated that the petitioners-Institution was established in the year 1996 with an intake capacity of 25 undergraduate seats. It is stated that by order dated 05.09.2014, the Central Council



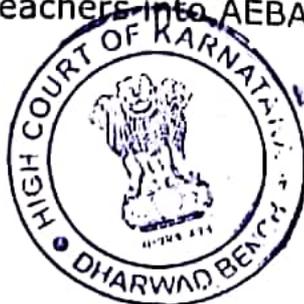
for Indian Medicine on satisfying with the infrastructure facilities of the petitioners-Institution increased the intake capacity to 60 undergraduate seats from the academic session 2014 onwards. On further examination of the infrastructure, by order dated 13.10.2016, intake capacity of the petitioners-Institution was increased to 100 undergraduate seats from the academic year 2016-17 onwards. It is also stated that on 26.11.2016, Central Government granted permission for 10 postgraduate seats from the academic session 2016-17 onwards.

4. It is stated that for the academic year 2025-26, NCISM notified the requirements and opened its website for submission of applications from 07.01.2025 onwards till 21.01.2025. It is stated that the petitioners-Institution submitted an application along with all requisite details. In pursuance to the said application, the respondent authorities on 08/09.04.2025 inspected the petitioners-Institution for grant of permission for the academic year 2025-26. Thereafter, show cause notice dated 08.05.2025



.. was issued to the petitioners-Institution stating that attendance data recorded through the Aadhar Enabled Biometric Attendance System (AEBAS) was verified and none of the teaching faculty members were meeting the minimum required attendance percentage of 65%, even after provision of 10% of relaxation. The discrepancy in attendance registration raises suspicion regarding the regular presence of teaching faculty and called upon the petitioners-Institution to submit clarification for each faculty member who has failed to meet the requirement of 65% attendance till the date of visitation.

5. It is further stated that, the petitioners-Institution submitted their reply dated 10.05.2025 stating that the petitioners-Institution is located in a remote area of the Western Ghats where frequently they are facing issues such as network interruptions, power outages and adverse weather conditions which affected the smooth functioning of AEBAS devise. They also stated that the installation and enrolment of teachers into AEBAS system was completed on



08.02.2025. Apart from that, manual attendance is being maintained as a temporary backup.

6. It is stated that the respondent authorities without considering the explanation of the petitioners-Institution, communication dated 25.08.2025 was issued reducing the intake from 100 to 70 undergraduate seats for the academic sessions 2025-26. Questioning the said communication, the petitioners-Institution was before the learned Single Judge. Learned Single Judge on hearing the learned counsel appearing for the parties, under impugned order passed the following order:

- i. The writ petition is allowed.*
- ii. A certiorari is issued, the impugned order dated 25.08.2025 bearing No.4-42/KA/MARB/2025-26-Ay, issued by respondent No.3 at Annexure-X is quashed.*
- iii. Needless to say, the reduction in the in-take cannot be taken into consideration for this academic year, the earlier permissible in-take of 100 seats shall continue. The petitioner shall within 30 days from the date of receipt of a*



copy of this order rectify the defects which have been pointed out therein.

- iv. *Respondent No.6 is directed to take into consideration the in-take of the petitioner as 100 students and forward the seat matrix to respondent No.5 for further action for the academic year 2025-26.*
- v. *Respondents shall act on the operative portion of the above order without insisting on the entire order. Furthermore, the respondents shall act on the printout of the uploaded copy of the order without insisting on certified copy."*

7. Questioning the above order, respondent Nos.2 and 3 are in appeal.

8. Heard learned counsel Smt.Manasi Kumar for learned counsel Sri.Avinash M. Angadi for appellants, learned counsel Sri.G.K.Hiregoudar for Sri.Omkar L Desai for petitioners, learned Additional Solicitor General of India Sri.Arvind Kamath along with Sri.Venkatesh M. Karvi, learned Deputy Solicitor General of India for respondent No.3 – Union of India, learned counsel Sri.Avinash Banakar for respondent No.4, learned counsel Smt.Surabhi Kulkarni



for respondent No.5 and learned Additional Government Advocate Sri.Sharad V. Magadam for respondent No.6. Perused the entire writ appeal papers including the papers filed during the course of hearing.

9. Learned counsel appearing for both the parties have placed reliance on several decisions of this Court as well as the Hon'ble Apex Court, which we have gone through and if necessary, during the course of this order, the same would be referred.

10. Learned counsel for the appellants Smt.Manasi Kumar would submit that there was no proper opportunity to place on record their objections and necessary documents before the learned Single Judge. Further, it is submitted that the impugned order is the result of hearing only petitioners' side. Learned counsel for the appellants would submit that Regulation 9 of the National Commission for Indian System Medicine (Minimum Essential Standards, Assessment and Rating for Undergraduate Ayurveda Colleges & Attached Teaching Hospitals) Regulations, 2024



(for short, '2024 Regulations') requires Biometric or Aadhar Enabled Biometric Attendance System or IRIS recognition or face recognition attendance system as specified by the Commission shall be installed for marking attendance by teaching staff, non-teaching staff, hospital staff, postgraduate students, interns and undergraduate students. It is submitted that by letter dated 09.05.2024, all the Colleges were informed to implement AEBAS in all Ayurveda, Siddha, Unani and Sowa Rigpa Medical Colleges. Therefore, it was mandatory for the petitioners-Institution to install AEBAS attendance system.

11. Further, learned counsel for the appellants would submit that on the date of inspection, it was noticed that none of the teaching faculty members were meeting the minimum required attendance percentage of 65% even after relaxation, petitioners-Institution were called upon to explain the same. Learned counsel would submit that as the explanation submitted by the petitioners-Institution were not satisfactory, in exercise of power under Section 28(1)(f)



of the National Commission for Indian System of Medicine Act, 2020 (for short, '2020 Act'), penalty of reducing intake from 100 to 70 undergraduate seats was imposed. Learned counsel for the appellants justifies the reduction of intake from 100 to 70 seats as the petitioners had failed to implement the mandatory requirement of AEBAS. Learned counsel for the appellants would submit that the purpose and object of asking the colleges to install AEBAS is to see that the teaching staff remained at the college throughout the year and the same is in the interest of the students at large.

12. On the other hand, learned counsel Sri.G.K.Hiregoudar for petitioners would submit that as on the date of inspection i.e., on 08.4.2025, the petitioners had installed AEBAS system and it was working as on the said date. Learned counsel would submit that except the allegation that teaching faculty would not meet the minimum required attendance, there is no allegation of any other deficiency with regard to infrastructure or otherwise. Further,



learned counsel would submit that the deficiency pointed out by the respondents with regard to AEBAS is a curable defect and any short coming would be removed. It is submitted that apart from AEBAS, the petitioners-Institution had Biometric System of recording attendance and it had also maintained manual attendance register. Thus, learned counsel would submit that there was no deficiency with regard to attendance of the teaching staff. Learned counsel for the petitioners would further submit that there was no sufficient quorum in the 137th meeting held on 30.07.2025, wherein penalization policy was adopted. Moreover, it is submitted that there is no basis for penalty of reduction of 30% intake wherever it is found delayed or improper implementation of AEBAS.

13. Lastly, learned counsel Sri.G.K.Hiregoudar would submit that reduction of 30% of intake for improper implementation of AEBAS would be disproportionate and would be harsh. Further, he submits that in the facts and circumstances of the petitioners' case wherein they had



shown that they had installed AEBAS, it would be very disproportionate and harsh to reduce intake of 30% under the impugned order. Thus, he would pray for dismissal of the writ appeal.

14. Having heard the learned counsel appearing for the parties and on perusal of the entire writ appeal papers, the only point which falls for our consideration is,

- a) *Whether respondent Nos.2 and 3 are justified in the facts and circumstances to penalize the petitioners by reducing intake from 100 to 70 seats?*
- b) *Whether the impugned order passed by the learned Single Judge warrants interference?*

15. Answer to the above points would be in the negative for the following reasons:

The contention that the respondents had no opportunity to file statement of objections would not merit any consideration since the impugned order indicates consideration of argument on their behalf and no prejudice is pointed out to accept the said contention. 2020 Act 19 of



into force on 21.09.2020 whereas 2024 Regulations came into force from 01.05.2024. Prior to 2024 Regulations, the Indian Medicine Central Council (Requirements of Minimum Standard for under-graduate Ayurveda Colleges and Attached Hospitals) Regulations, 2016 (for short, '2016 Regulations') was in operation to maintain the standards of education of undergraduate Ayurveda colleges and attached hospitals. In terms of 2016 Regulations, Regulation 9(3) required the petitioners-Institution to have biometric attendance for teaching staff and web based computerized biometric attendance system for non-teaching college staff and hospital staffs. In terms of 2024 Regulations, Regulation 9 requires the petitioners-Institution as well as like colleges to have biometric or AEBAS or IRIS recognition or face recognition attendance system as specified by the Commission for marking attendance by teaching staff, non-teaching staff, hospital staff, postgraduate students, interns and undergraduate students.



16. By memo dated 05.12.2025, letters dated 09.05.2024, 06.09.2024, 08.01.2025, 28.01.2025 and other letters of NCISM are placed on record. Under letter dated 09.05.2024 of NCISM, it was informed to implement AEBAS in all Ayurveda, Siddha, Unani and Sowa Rigpa Medical Colleges. It was stated that AEBAS was decided to be implemented as it is an effective and convenient digital solution for recording and real time monitoring of the attendance. It is also stated that the implementation of AEBAS would elevate professional standards and enhanced quality of the Institution. The last date for implementation of AEBAS was extended from time to time until 18.02.2025.

17. Under Section 28 of the 2020 Act, Medical Assessment and Rating Board for Indian System of Medicine is empowered to take such measures, including issuing warning, imposition of mandatory penalty, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition against a Medical



Institution for its failure to maintain the minimum essential standards.

18. Regulation 52 of 2024 Regulations read as follows:

"52. The Medical Institutions fully established or under establishment before the publication of these regulations may continue with same infrastructure, except for the infrastructural standards provided in said Table-10 which shall be fulfilled as per the time line provided in Table. The time lines provided in the said Table are maximum and no relaxation shall be provided thereafter."

The above Regulation would state that the Medical Institution fully established or under establishment before the publication of Regulations may continue with same infrastructure except for the infrastructural standards provided in Table-10 which shall be fulfilled as per the timeline provided in Table. A perusal of Table-10 would not include AEBAS for marking attendance by teaching staff or non-teaching staff. In the light of the above Regulation, the petitioners-Institution could have continued with the Biometric system of marking attendance. However, the



petitioners-Institution had installed AEBAS system, the functioning of which was noticed during inspection by the Committee on 08.05.2025 and 09.05.2025. It is to be noticed that the requirement at Table-10 are minimum essential standards required.

19. Paragraphs (7) and (8) of the show cause notice dated 08.05.2025 (Annexure-Q) read as follows:

"7. During the assessment of your college, the attendance data recorded through the Aadhaar Enabled Biometric Attendance System (AEBAS) was verified. It was observed that none of the teaching faculty members are meeting the minimum required attendance percentage of 65% till day of visitation, even after the provision of a 10% relaxation from the standard requirement of 75%, as per the deviation granted by the Board for the academic year 2025-26. This discrepancy in attendance registration raises suspicion regarding the regular presence of teaching faculty with your institution. A copy of the AEBAS attendance data pertaining to your college is attached for your reference.



8. *Therefore, show-cause notice is being issued to you regarding the observed irregularities in the AEBAS biometric attendance data for your college as none of the teaching faculty members are meeting the minimum required attendance percentage of 65%. Further, you are instructed to submit your detailed **clarification for each faculty member who has failed to meet the requirement of 65% attendance till day of visitation, within 03 days from the date of issuance of the letter.** In case you fail to submit your explanation within given time period and it will be presumed that you have nothing to say in the matter and the Medical Assessment and Rating Board, NCISM, reserves the right to take necessary action as deemed appropriate in terms of the NCISM Act 2020 and relevant regulations, including withholdment / denial of permission for the academic year 2025-26."*

20. The explanation called is on the observation that none of the teaching faculty members are meeting the minimum required attendance percentage of 65% till the date of visitation, even after provision of 10% relaxation. The explanation dated 10.05.2025 to the show cause notice



explains the location of the Institution and the frequent issues with network interruptions, power outages and adverse weather conditions. It is not that the petitioners-Institution has not implemented the AEBAS system.

21. The impugned order reducing intake capacity records observations of the Hearing Committee as follows:

"However, technical challenges such as network issues, software errors, prolonged power outages and heavy rainfall have affected the consistency of attendance data according to the statement given by the college. The college has reported the technical issues to the AEBAS Helpdesk through multiple emails.

The hearing committee has asked the college for the CCTV footage of individual faculty mentioned in the hearing report.

The committee has verified all the faculties mentioned in Hearing Letter online during the hearing.

Post hearing submission by the college regarding AEBAS:

Attendance is sent by the college to NCISM



The data received in the CCTV footage shows that the faculties are using FINGER biometric instead of IRIS scanner."

22. When the above are the observations of the Hearing Committee, it was not justified to impose the penalty of reduction of intake from 100 to 70 seats for the academic session 2025-26.

23. Furthermore, there is no basis for such penalization policy. On what basis the Hearing Committee has come to the conclusion to reduce 30% of the seats is not known. It was pointed out that such reduction was in terms of the decision taken in 137th Board Meeting held on 30.07.2025. The proceedings of the 137th Board Meeting dated 30.07.2025 is placed on record along with memo dated 05.12.2025. We have gone through the said proceedings and agenda Item No.9 and the decision thereon reads as follows:

"Agenda Item No.-9 Penalization Policy to be adopted in accordance of Section 28 (1) (f) of NCISM Act 2020 for Non/Improper/Delayed



Implementation of Aadhaar Enabled Biometric Attendance System (AEBAS) In ASUS Colleges for the Academic year 2025-26 - reg.

In accordance with the provisions of Section 28(1)(f) of the National Commission for Indian System of Medicine (NCISM) Act, 2020, the following policy shall be implemented during the assessment of ASUS Colleges (excluding Government Institutes) concerning the non-implementation, improper implementation, or delayed implementation of the Aadhaar Enabled Biometric Attendance System (AEBAS) for the academic year 2025-26.

- 1. In cases of delayed or improper implementation of the Aadhaar Enabled Biometric Attendance System (AEBAS), the college shall subject to seat reduction by reducing 30% intake strength of total intake capacity.*
- 2. Institutions that have failed to implement Aadhaar Enabled Biometric Attendance System (AEBAS) shall be issued denial of permission.*

Decision of Board: Board approved the same.

24. The above Board Resolution would only state that in case of delayed or improper implementation of the



..AEBAS, college shall be subject to seat reduction, by 30% intake strength of total intake capacity. What is the basis to reduce 30% intake is not known or the resolution would not indicate the reasons for such reduction. It is settled position of law that any decision shall be backed by reasons and any decision without the foundation of reasons would be arbitrary and unreasonable.

25. Learned Single Judge is justified in observing that there being no regulation which had been framed, no such powers under Section 28(1)(f) of 2020 Act could have been exercised.

26. Learned Single Judge has quashed the impugned order dated 25.08.2025 (Annexure-X) in its entirety. However, we deem it appropriate to modify the said order and we quash the portion of the impugned order dated 25.08.2025 bearing No.4-42/KA/MARB/2025-26-Ay, only to the extent it reduced the undergraduate seats from 100 to 70 seats for the academic session 2025-26 and other portion of the order remains as it is. The petitioners-



Institution shall comply all other requirements which are pointed out in the impugned order, within the time specified therein.

27. With the above, writ appeal stands disposed of.

Sd/-
(S G PANDIT)
JUDGE



Sd/-
(GEETHA K.B.)
JUDGE

NC.
CT-MCK

"TRUE COPY"
10/12/25
Section Officer
Copying Branch
High Court of Karnataka
Bench. Dhanwad

- a) The date on which the application was made 18/12/25
- b) The date on which charges and additional charges, if any, are called for.....
- c) The date on which charges and additional charges, if any, are deposited / Paid.....
- d) The date on which the copy is ready. 18/12/25
- e) The date on which the copy is ready for delivery..... 18/12/25
- f) The Date on which the applicant is required to appear on behalf.....
- g) The date on which copy is delivered to the applicant..... 19/12/25
- h) Examined by..... CC