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

Reserved on: 10 April 2024
Pronounced on:22 April 2024

\+ W.P.(C) 2693/2024 and CM APP No. 11006/2024, 11007/2024, 11008/2024

JIWESH KUMAR & ORS. ..... Petitioners
Through: Ms. Mithu Jain, Mr. Sanchit Garga and Ms. Shailja Singh, Advocates

versus

UNION OF INDIA & ANR. ..... Respondents
Through: Ms. Monika Arora, CGSC with Mr. Subhrodeep Saha and Mr. Kushal, Advs. for Union of India
Ms. Archana Pathak Dave, Sr. Adv. with Mr. Kumar Prashant, Mr. Pramod Kr. Vishnoi and Mr. Shashwat Nath, Advs. for R-2.

\+ W.P.(C) 2998/2024 and CM APP No. 12335-37/2024

PRABHAKAR YADAV & ORS. ..... Petitioners
Through: Ms. Mithu Jain, Mr. Sanchit Garga and Ms. Shailja Singh, Advocates

versus

UNION OF INDIA & ORS. ..... Respondents
Through: Ms. Monika Arora, CGSC with Mr. Subhrodeep Saha and Mr. Kushal, Advs. for Union of India
Ms. Ankita Chaudhary, Mr.Shreyas Balaji and Mr. Devansh Chauhan, Advs for R-2

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **J U D G M E N T**

The Dispute

1. Section 15(1)[1] of the National Commission for Indian System of Medicine Act, 2020 ("the NCISM Act") requires an examination, to be known as the National Exit Test (NExT), to be undertaken before a graduate in any Indian System of Medicine can be given a licence to practice as a registered medical practitioner. The petitioners, who are presently pursuing their Bachelor of Ayurvedic Medicine and Surgery (BAMS) and Bachelor of Unani Medicine and Surgery (BUMS) courses, seek a declaration that this requirement would not apply to them, as they joined their BAMS and BUMS courses before Section 15(1) was brought into force on 11 June 2021.

2. The question for determination is, therefore, whether a student who had joined the undergraduate course in an Indian System of Medicine before 11 June 2021 would be required to undertake the NExT before she, or he, is given a licence to practice as a registered medical practitioner.

Facts

3. The petitioners are students who are presently pursuing their BAMS and BUMS courses from colleges located at various places in

[1] **15. National Exit Test**. –
(1) A common final year undergraduate medical examination, to be known as the National Exit Test, shall be held for granting licence to practice as medical practitioner of respective disciplines of Indian System of Medicine and for enrollment in the State Register or National Register, as the case may be.

India. They were admitted to the said courses in August 2021 after having cleared the NEET-UG and/or state level entrance examinations. The duration of the BAMS/BUMS courses being undertaken by the petitioners is 4 ½ years, followed by a 12 month internship.

4. BAMS/BUMS programmes were, at the time when the petitioners were enrolled therein, governed by the Indian Medicine Central Council Act, 1970 (IMCC Act), Section 17(1)[2] of which provided that a medical qualification included in the Second, Third or Fourth Schedule to the IMCC Act, would be a sufficient qualification for enrolment on any State Register of Indian Medicine. The BAMS and BUMS degrees to which the petitioners aspire are, admittedly, scheduled medical qualifications. It cannot, therefore, be disputed that the IMCC Act did not require a BAMS/BUMS Graduate to undertake any further examination before being eligible for enrolment on the State Register so as to entitle her, or him, to practice as an Ayurvedic or Unani Medical Practitioner.

5. On 20 September 2020, the NCISM Act was enacted. It was published in the Official Gazette on 21 September 2020. The proviso to Section 1(3)[3] of the NCISM Act provided that different dates could

[2] **17. Rights of persons possessing qualifications included in Second, Third and Fourth Schedules to be enrolled. –**
(1) Subject to the other provisions contained in this Act, any medical qualification included in the Second, Third or Fourth Schedule shall be sufficient qualification for enrolment on any State Register of Indian Medicine.

[3] (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:
Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

be appointed for different provisions of the Act and that a reference in any such provision to the commencement of the NCISM Act would be construed as a reference to the coming into force of that provision.

6. The dispute in this case relates to Section 15 of the NCISM Act. Sub-section (1) thereof states that "a common final year undergraduate examination to be known as National Exit Test" (hereinafter referred to as "NExT") shall be held for granting of a licence to practice as a medical practitioner in Unani or Ayurvedic medicine and for enrolment in the State or National Register for that purpose. Section 15(3)[4] stipulates that the NExT shall become operational on such date, within three years from the date on which the NCISM Act came into force, as may be notified by the Central Government. *Vide* Notification SO 2278(E) dated 11 June 2021, the Central Government notified 11 June 2021 as the date on which all provisions of the NCISM Act, except Sections 3, 4, 5, 6, 8, 11, 18, 19, 20, 21, 54 and 55 – which would include Section 15 – would come into force. Thus, Section 15 of the NCISM Act came into force with effect from 11 June 2021.

7. Section 58(1)[5] of the NCISM Act repealed the IMCC Act with effect from such date as would be notified by the Central Government. Simultaneously with Notification 2278(E) bringing into force, among

[4] (3) The National Exit Test shall become operational on such date, within three years from the date on which this Act comes into force, as may be appointed by the Central Government, by notification.

[5] **58. Repeal and saving**. –
(1) With effect from such date as the Central Government may, by notification, appoint in this behalf, the Indian Medicine Central Council Act, 1970 (48 of 1970) shall stand repealed and the Central Council of Indian Medicine constituted under Section 3 of the said Act shall stand dissolved.

other provisions, Section 15 of the NCISM Act, the Central Government, *vide* Notification SO 2279(E), also issued on 11 June 2021, repealed the IMCC Act with immediate effect.

8. With effect from 11 June 2021, therefore, the IMCC Act stood repealed and Section 15 of the NCISM Act came into force.

9. These facts are undisputed.

10. The petitioners are aggrieved at Section 15(1) being made applicable to them. By operation of Section 15(1), the petitioners would have to undergo the NExT before being entitled to practice as BAMS/ BUMS practitioners and before being entitled to enrolment in the State Register or National Register for BAMS/BUMS practitioners. The case that the petitioners seek to set up is that, as the IMCC Act which was in force on the date when the petitioners enrolled in their BAMS/BUMS courses did not envisage the requirement of any intervening examination having to be undertaken between the acquisition, by them, of their BAMS/BUMS degrees and their registration as licensed Ayurvedic or Unani medical practitioners, the requirement of clearing the NExT, which was a creature of a later date, could not be thrust on them. What is sought to be contended therefore is that the right of the petitioners to practice as Ayurvedic or Unani practitioners consequent to obtaining their BAMS/BUMS degrees, should be automatic as was envisaged by Section 17 of the IMCC Act and not subject to the petitioners clearing the NExT, as envisaged by Section 15(1) of the NCISM Act.

Prayers in the writ petition

11. At this juncture, it is worthwhile to reproduce the prayer clause in the writ petition:

> "In the premises stated above, it is, therefore, most respectfully prayed, that
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> a) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("**BAMS**") and Bachelor of Unani Medicine and Surgery ("**BUMS**") Course in colleges across the country prior to 11.06.2021 **shall not have to take the National Exit Test (NexT)** in pursuance of Section 15 of the National Commission for Indian System of Medicine Act, 2020 for the purposes of being eligible to be registered for practice, in the National Medical Register/State Medical Registers, as the case may be;
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> b) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing Respondent no.1/Ministry of AYUSH and Respondent no.2/ National Commission for Indian System of Medicine ("**NCISM**") to issue a clarification that National Commission for Indian System of Medicine (National Examinations for Indian System of Medicine) Regulations, 2023 dated 20.12.2023 **("NExT Regulations")** shall not apply to the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("**BAMS**") and Bachelor of Unani Medicine and Surgery ("**BUMS**") Course prior to 11.06.2021;
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> c) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("**BAMS**") and Bachelor of Unani Medicine and Surgery ("**BUMS**") in colleges across the country prior to 11.06.2021 shall be governed by the examination regime that governed the students who had taken admission to the BAMS and BUMS before 11.06.2021;

d) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("BAMS") and Bachelor of Unani Medicine and Surgery ("BUMS") in colleges across the country shall not have their final year examination replaced by NexT Regime and that the final examination as they existed prior to implementation of Section 15 of National Medical Commission for Indian System of Medicine Act, 2020 ("NCISM Act") would be conducted for the Petitioner students;

e) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("BAMS") and Bachelor of Unani Medicine and Surgery ("BUMS") Course in colleges across the country in the prior to 11.06.2021 shall give their final year examination as per the pattern/methodology which existed prior to 11.06.2021 i.e. the date of implementation of the provisions of Section 15 of National Medical Commission for Indian System of Medicine Act, 2020;

f) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("**BAMS**") and Bachelor of Unani Medicine and Surgery ("**BUMS**") Course in colleges across the country in the prior to 11.06.2021 shall be governed by the regime existing prior to 11.06.2021 for the purposes of registration as well as for obtaining a license to practice and for enrollment in the State Register or National Register, as the case may be, in pursuance of their BAMS and BUMS Degrees;

g) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery ("**BAMS**") and Bachelor of Unani Medicine and Surgery ("**BUMS**") Course in colleges across the country in the prior to 11.06.2021 shall not be governed by the National Commission for Indian System of Medicine (National Examinations for Indian System of Medicine) Regulations, 2023 dated 20.12.2023 **("NExT Regulations")**;

h) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction holding that the Petitioner students who had taken admission to the Bachelor of Ayurvedic Medicine and Surgery (**"BAMS")** and Bachelor of Unani Medicine and Surgery (**"BUMS"**) Course in colleges across the country prior to 11.06.2021 shall not have to take the National Exit Test (NexT) for the purposes of being eligible for the Internship;

i) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the Respondent(s) to clarify the issues pertaining to the Implementation of the provisions of Section 15 of the National Medical Commission for Indian System of Medicine Act, 2020 at the earliest;

j) Stay the operation of the National Commission for Indian System of Medicine (National Examinations for Indian System of Medicine) Regulations, 2023 dated 20.12.2023 ("NExT Regulations") notified by the National Commission for Indian System of Medicine during the pendency of the instant petition;"

12. It is clear from a reading of the prayer clause that prayers (a) to (h) are essentially one prayer masquerading as eight. The prayer of the petitioners in prayer clauses (a) to (h) is essentially for a declaration that students who took admission to the BAMS/BUMS courses prior to 11 June 2021 – being the date on which Section 15 of the NCISM Act came into force – should not be made to suffer the NExT in order to be eligible for internship and subsequent registration as registered Ayurvedic or Unani Medical Practitioners. The petitioners pray therefore that BAMS/BUMS students who enrolled prior to 11 June 2021 should directly be eligible to undertake internship and be registered as Ayurvedic/ Unani Medial practitioners, consequent on their obtaining BAMS/BUMS degrees, as was envisaged by Section 17 of the IMCC Act.

13. Prayer (i) is completely vague, and I do not, therefore, propose to deal with it at all. It seeks a direction to the respondent to "clarify" certain "issues" without specifying the issues regarding which clarification is required. Even otherwise, a writ court cannot, under Article 226 of the Constitution, issue a directive to the respondents to clarify issues regarding which the petitioner may desire clarification.

Rival Contentions

Submissions of Ms. Mithu Jain

14. I have heard Ms. Mithu Jain and Mr. Sanchit Garga, learned counsel for the Petitioners and Ms. Archana Pathak Dave, learned Senior Counsel for the respondents, at length.

15. Ms. Mithu Jain advances the following submissions, to support the case that the petitioners seek to set up :

(i) Section 47(1)[6] of the NCISM Act stipulates that a student who was studying for a degree in any medical institution immediately before the commencement of the NCISM Act would continue to so study and complete her course for obtaining the degree concerned in the same institution, which

[6] **47. Completion of courses of studies in medical institutions**. –
(1) Notwithstanding anything contained in this Act, any student who was studying for a degree or diploma in any medical institution immediately before the commencement of this Act shall continue to so study and complete his course for such degree or diploma, and such institution shall continue to provide instructions and hold examination for such student in accordance with the syllabus and studies as existed before such commencement, and such student shall be deemed to have completed his course of study under this Act and shall be awarded degree or diploma under this Act.

would hold the requisite examination for the student in accordance with the syllabus as existed before the commencement of the NCISM Act, and further envisages the award of degree under the NCISM Act on the completion, by the student, of her BAMS/BUMS course in the said institution. It is contended that Section 47(1) commences with a *non obstante* clause and, therefore, overrides Section 15(1). As the petitioners are students who had enrolled for their BAMS/BUMS courses prior to the commencement of the NCISM Act, it is contended that, by operation of Section 47 of the NCISM Act, they would not be required to subject themselves to the NExT under Section 15(1) thereof, but would be entitled to enrol themselves as registered Ayurvedic or Unani practitioners immediately on completion of their BAMS/BUMS courses in the institution in which they are undertaking the courses, following which they would be entitled to be awarded BAMS/BUMS degrees.

(ii) The petitioners were entitled to legitimately expect, at the time when they obtained enrolment to the BAMS/BUMS courses, that the system of examination which prevailed at the time when they obtained admission to the BAMS/BUMS courses would continue till completion of the course. The respondents could not be permitted to change the system of examination mid-stream.

(iii) Section 15(1) of the NCISM Act envisaged the NExT as

being a "common final year undergraduate medical examination", even while stipulating that the NExT would be held for granting a licence to practice as a medical practitioner. By calling it a "common final year undergraduate medical examination", it became obvious that the NExT bore the same character as the final examination which would have to be undertaken by the petitioners for obtaining their BAMS/BUMS degrees. Effectively, therefore, grant of the BAMS/BUMS degrees to the petitioners became, subject to the petitioners not only undertaking the final examinations as envisaged by the IMCC Act but also, in addition, undertaking and clearing the NExT. The NExT would, therefore, have to be undertaken and cleared by the petitioners not only for obtaining a licence to practice as registered Ayurvedic/Unani medical practitioners but also for obtaining the BAMS/BUMS degrees.

(iv) Section 15, therefore, imposed on the petitioners a completely new examination regime and methodology, distinct and different from the regime which was being practised and followed by the petitioners as students pursuing the BAMS/BUMS courses since 2021.

(v) The petitioners were, from the time of their enrolment in the BAMS/BUMS courses, governed by the IMCC Act. The IMCC Act did not contain any power to impose, on the petitioners, a licentiate examination, in order to enable them to practice as registered Ayurvedic or Unani Medical practitioners,

after grant to them of the BAMS/BUMS degrees. The respondents could not therefore insist on the petitioners having to undertake the NExT, even if it were to be regarded as a licentiate examination, so as to enable them to practice in Ayurveda or Unani.

(vi) The enforcement of Section 15(1) and the enforcement of the requirement of undertaking the NExT on the petitioners resulted in retrospective divesting of the right which vested in the petitioners by Section 17 of the IMCC Act, not only to obtain the BAMS/BUMS degrees but also to practice as registered Ayurvedic / Unani Medical practitioners immediately thereupon.

(vii) Section 6(c)[7] of the General Clauses Act, despite the repeal of the IMCC Act, nonetheless saves the right of the petitioners to be enrolled as registered Ayurvedic/Unani Medical practitioners, without having to undertake a separate examination for obtaining a licence to practice as the said right stood already vested and accrued in favour of the petitioner under Section 17(1) of the IMCC Act even on the date when they obtained enrolment to their BAMS/BUMS courses. In this

[7] **6. Effect of repeal**. – Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not –

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(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

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and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

context, reliance is also placed on Section 59(2)[8] of the NCISM Act.

(viii) There was a direct conflict between Section 15 of the NCISM Act and Regulation 6(2)[9] of the National Commission for Indian System of Medicine (National Examinations for Indian System of Medicine) Regulations, 2023 (hereinafter referred to as the 'NCISM Regulations"). Regulation 6(2) of the NCISM Regulations envisaged the NExT as an examination to be undertaken and cleared for grant of a licence to practice as a medical practitioner in any discipline of the Indian System of Medicine and enrolment in the State or National Registers. As against this, Section 15(1) of the NCISM Act, referred to the NExT as a common final year undergraduate medical examination. Section 15(1) of the NCISM Act, therefore, regarded NExT as an examination, which was required to be undertaken and cleared not only for obtaining a licence to practice but also for obtaining BAMS/BUMS degrees themselves.

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[8] (2) Notwithstanding the repeal of the Indian Medicine Central Council Act, 1970, the Medical standards, requirements and other provisions of the Indian Medicine Central Council Act, 1970 and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder:

Provided that anything done or any action taken as regards the medical standards and requirements under the enactment under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything or by any action taken under this Act.

[9] **6. National Exit Test. –**

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(2) The National Exit Test shall be held for granting license to practice as medical practitioner of respective discipline of Indian system of medicine and for enrollment in the State Register or National Register as a registered medical practitioner of Indian system of medicine after completing one-year internship.

16. In support of the above submissions, Ms. Mithu Jain placed reliance on a decision of a Division Bench of the High Court of Bombay in ***Mrudula v. Rashtrasant Tukdoji Maharaj Nagpur University***[10].

17. Predicated on these submissions, Ms. Mithu Jain prays for grant of the reliefs sought in the writ petition.

Submissions of Ms. Archana Pathak Dave

18. Responding to the above submissions, Ms. Archana Pathak Dave, learned Senior Counsel for the respondents, draws my attention to Sections 15, 33, 47 and 58 of the NCISM Act and Regulations 6 and 9 of the NCISM Regulations. She submits that there is no change of policy mid-stream, as the petitioners seem to allege. The NExT is not an examination which has to be undertaken in order to obtain the BAMS/BUMS degrees, but is required for the degree holders to obtain a licence to practice as registered Ayurvedic/Unani medical practitioners. It is, therefore, in the nature of a licentiate examination and not an examination which is required to be undertaken for obtaining the BAMS/BUMS degrees. Section 15(1) does not, therefore, offend Section 47 in any way. Section 47 only refers to obtaining of the BAMS/BUMS degrees and not to the entitlement to practice as registered medical practitioners after the degrees are obtained. There is no divesting of any vested right of the petitioners as they have yet to obtain BAMS/BUMS degrees. Ms. Dave submits that

[10] Judgment dated 31 August 2016 passed in WP (C) 4735/2016

the issue is squarely covered by a judgment of the Constitution Bench of the Supreme Court in ***Bar Council of India v. Bonnie Foi Law College***[11] and specifically invites attention to para 28 of the said decision.

Submission of Ms. Mithu Jain in rejoinder

19. Arguing in rejoinder, Ms. Mithu Jain submits that the decision in ***Bonnie Foi Law College*** is distinguishable, as, in that case, the power to require the additional examination to be undertaken before being entitled to practice as an advocate existed in the extant Regulations. She has invited attention to Section 24[12] read with

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[11] **(2023) 7 SCC 756**

[12] **24. Persons who may be admitted as advocates on a State roll**. –
(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely:—
(a) he is a citizen of India:
Provided that subject to the other provisions contained in this Act, a national of any other country may be admitted as an advocate on a State roll, if citizens of India, duly qualified, are permitted to practise law in that other country;
(b) he has completed the age of twenty-one years;
(c) he has obtained a degree in law—
(i) before the [12th day of March, 1967], from any University in the territory of India; or
(ii) before the 15th day of August, 1947, from any University in any area which was comprised before that date within India as defined by the Government of India Act, 1935; or
(iii) after the 12th day of March, 1967, save as provided in sub-clause (iiia), after undergoing a three-year course of study in law from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or
(iiia) after undergoing a course of study in law, the duration of which is not less than two academic years commencing from the academic year 1967-68, or any earlier academic year from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or]
(iv) in any other case, from any University outside the territory of India, if the degree is recognised for the purposes of this Act by the Bar Council of India; or
he is a barrister and is called to the Bar on or before the 31st day of December, 1976; or has passed the article clerk's examination or any other examination specified by the High Court at Bombay or Calcutta for enrolment as an attorney of that High Court; or has obtained such other foreign qualification in law as is recognised by the Bar Council of India for the purpose of admission as an advocate under this Act;

Section 49(1)(ag) and (ah)[13] of the Advocates Act, 1961. As against this, she reiterates that under the IMCC Act, which governs the petitioners, there was no power to introduce an additional examination between obtaining of the BAMS/BUMS degrees and grant of a licence to practice as registered Ayurvedic or Unani Medical Practitioners.

Analysis

20. The case that Ms. Jain espouses is, in my opinion, misconceived on facts as well as in law on several counts.

A. Section 15(1) of the NCISM Act misunderstood

21. Firstly, Section 15(1) *does not* require the NExT to be cleared *before* grant of the BAMS/BUMS degree. Ms. Jain is clearly misinterpreting the provision, merely stressing the initial words "common final year undergraduate medical examination". To the extent the NExT is an examination to be undertaken by final year

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(e) he fulfils such other conditions as may be specified in the rules made by the State Bar Council under this Chapter;
(f) he has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian Stamp Act, 1899 (2 of 1899), and an enrolment fee payable to the State Bar Council of six hundred rupees and to the Bar Council of India, one hundred and fifty rupees by way of a bank draft drawn in favour of that Council:
Provided that where such person is a member of the Scheduled Castes or the Scheduled Tribes and produces a certificate to that effect from such authority as may be prescribed, the enrolment fee payable by him to the State Bar Council shall be one hundred rupees and to the Bar Council of India, twenty-five rupees.

[13] **49. General power of the Bar Council of India to make rules**. –
(1) The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe—
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(ag) the class or category of persons entitled to be enrolled as advocates;
(ah) the conditions subject to which an advocate shall have the right to practise and the circumstances under which a person shall be deemed to practise as an advocate in a court;

students pursuing the undergraduate course, it *is* a "common final year undergraduate medical examination". The immediately following words, "for granting licence to practice as medical practitioner", however, make it clear that the NExT is a licentiate examination, and not a qualifying examination *before* obtaining the BAMS/BUMS degree. No NExT has, therefore, to be undertaken for obtaining the BAMS/BUMS degree. Ms. Dave, learned Senior Counsel for the Respondent 2, too, acknowledges this position.

22. Ms Jain's submission that Section 15(1) envisages the NExT as being an examination which has to be undergone *for obtaining the BAMS/BUMS degree*, therefore, is misconceived.

B. No conflict between Section 15(1) and Regulation 6(2) of the NCISM Regulations

23. Secondly, and therefore, there is no conflict between Section 15(1) of the NCISM Act and Regulation 6(2) of the NCISM Regulations, both of which envisage the NExT as being a licentiate examination, to be undertaken *after* the BAMS/BUMS degree is obtained, and *for being granted a licence* to practice Ayurvedic or Unani medicine as a registered medical practitioner. The plea of conflict is also, therefore, without substance.

C. Section 15(1) does not conflict with Section 47

24. Thirdly, the invocation of Section 47, by Ms. Mithu Jain, is also misconceived. There is no conflict between Section 15 and Section

47. Neither does the *non obstante* clause, with which Section 47 commences, detract from the applicability or effect of Section 15.

25. The petitioners are, indisputably, students who were "studying for a degree or diploma in (a) medical institution immediately before the commencement of" the NCISM Act. Section 47(1) provides that they shall continue to study and complete their course, for obtaining the BAMS/BUMS degrees, in the institution in which they are presently studying, and that said institution would continue to provide instructions and hold the examination for the students, as per the syllabus and studies presently being undertaken by them. This would be deemed to constitute completion of the course of BAMS/BUMS studied under the NCISM Act, and, consequent thereto and on the basis thereof, the student would be entitled to be awarded the BAMS/BUMS degree. Till the award of the BAMS/BUMS degree, therefore, there is no change in the protocol to which the students are subjected.

26. With the award of the BAMS/BUMS degree, Section 47 stands worked out. The provision has no application to what follows *after* the student is awarded the BAMS/BUMS degree. There is no reference, in Section 47, of the student being granted a licence to practice as a registered Ayurvedic or Unani medical practitioner. That field is occupied by Section 15(1), which requires the student to undergo the NExT before being granted a licence to practice as an Ayurvedic or Unani medical practitioner.

27. Section 47, therefore, is concerned with the award of the BAMS/BUMS degree and *not* with the grant of licence to practice as a registered Ayurvedic or Unani medical practitioner, whereas Section 15 is *not concerned* with the award of the BAMS/BUMS degree, but *is concerned* with the requirement of undertaking the NExT *thereafter*, for obtaining a licence to practice. The two provisions, therefore, operate in different fields, and the *non obstante* clause in Section 47 does not in any way affect the applicability of Section 15(1).

D. No vested right is created by Section 17 of the IMCC Act

28. Fourthly, Ms. Jain is in error in her submission that Section 15(1) divests the petitioners of any right which vests in them by Section 17 of the IMCC Act.

29. A right to obtain any relief, or benefit, vests only where all conditions, required to be satisfied for being entitled to that relief or benefit, stand fulfilled.

30. The right to obtain a licence as a registered Ayurvedic or Unani medical practitioner vests only in a student *who holds a BAMS/BUMS degree*. Prior to obtaining the BAMS/BUMS degree, the student has no right to practice as a registered medical practitioner. A student who is undergoing the BAMS/BUMS course, *towards* obtaining the BAMS/BUMS degree, therefore, cannot claim any such right. The question of whether the student would clear all papers as would entitle

her, or him, to be conferred the BAMS/BUMS degree is itself an imponderable at that point of time. It is only, therefore, after clearing all papers, and being awarded the BAMS/BUMS degree, that the student can claim any right to be granted a licence to practice as a registered medical practitioner.

31. On the date when Section 15(1) of the NCISM Act came into force, therefore, *no right vested in any of the petitioners to be granted a licence to practice as a registered Ayurvedic or Unani medical practitioner*. That right would vest only *after* the petitioners are conferred their BAMS/BUMS degrees – assuming they are. That stage is yet to reach. Section 15(1) does not, therefore, divest the petitioners of any right which had even accrued, much less vested, in their favour.

32. Indeed, the right of the petitioners on the date when Section 15(1) of the NCISM was brought into force was only to be permitted to follow the course and syllabus presently being followed by them and be conferred the BAMS/BUMS degree on clearing all requisite papers. That right stands preserved by Section 47(1) of the NCISM Act. There is, therefore, no divestiture of any vested right of the petitioners.

33. The following definition of a "vested right", as occurring in Black's Law Dictionary, 6th Edn, was cited with approval by the Supreme Court in ***MGB Gramin Bank v. Chakrawarti Singh***[14] and

[14] **(2014) 13 SCC 583**

J.S. Yadav v. State of U.P.[15]:

> " 'Vested' means fixed; accrued; settled; absolute; complete. *Having the character are given in the rights of absolute ownership; not contingent; not subject to be defeated by a condition precedent.* Rights are 'vested' when right to employment, present or prospective, has become property of some particular person or persons *as present interest; mere expectancy of future benefits,* or contingent interest in property founded on anticipated continuance of existing laws does not constitute 'vested rights'."
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> (Emphasis supplied)

In ***Bibi Sayeeda v. State of Bihar***[16] , the Supreme Court cited, approvingly, the definition of "vested", as contained in Webster's Comprehensive Dictionary, which defined the expression as "held by the tenure *subject to no contingency*".

34. The Supreme Court explained the concept of the vesting of a right, in its judgment in ***Howrah Municipal Corporation v. Ganges Rope Co. Ltd***[17]. The respondent Ganges Rope Co. Ltd (GRCL), in that case, constructed a building of four floors, and sought sanction to add another three floors. When their application was not being considered, they approached the High Court of Calcutta, which directed the Howrah Municipal Corporation (HMC) to accept GRCL's application and take a decision thereon. No decision was taken by the HMC within the time granted by the High Court or, indeed, even within the time stipulated in that regard in the relevant statute. After the period stipulated that elapsed, there was a change in the Building Bye Laws, which placed a cap on the height of buildings. Allowing three more floors to be constructed, as sought by GRCL, would have

[15] **(2011) 6 SCC 570**
[16] **(1996) 9 SCC 516**
[17] **(2004) 1 SCC 663**

resulted in the building exceeding the maximum permissible height. The HMC, therefore, refused to grant permission as sought by GRCL and treated the application as cancelled. GRCL petitioned the High Court of Calcutta. Against the decision of the Division Bench of the High Court, which ruled in favour of GRCL, HMC appealed to the Supreme Court. Before the Supreme Court, one of the contentions advanced by GRCL was that a right had vested in it to have its application considered as per the law in existence at the time when the application was submitted and that the HMC could not employ the amendment to the Building Bye Laws to divest GRCL of its vested right. After holding that the Bye Law which would apply would be that which was in force at the time of grant of the sanction, and not that which was in force at the time of submission of the application by GRCL, the Supreme Court went on, in para 37 of the report, to explain the concept of a "vested right", thus:

> "37. The argument advanced on the basis of so-called creation of *vested right* for obtaining sanction on the basis of the Building Rules (unamended) as they were on the date of submission of the application and the order of the High Court fixing a period for decision of the same, is misconceived. *The word "vest" is normally used where an immediate fixed right in present or future enjoyment in respect of a property is created. With the long usage the said word "vest" has also acquired a meaning as "an absolute or indefeasible right"* [see K.J. Aiyer's Judicial Dictionary (A Complete Law Lexicon), 13th Edn.]. *The context in which the respondent Company claims a vested right for sanction and which has been accepted by the Division Bench of the High Court, is not a right in relation to "ownership or possession of any property" for which the expression "vest" is generally used. What we can understand from the claim of a "vested right" set up by the respondent Company is that on the basis of the Building Rules, as applicable to their case on the date of making an application for sanction and the fixed period allotted by the Court for its consideration, it had a "legitimate" or "settled expectation" to obtain the sanction. In our considered opinion, such "settled expectation", if any, did not create any vested right to obtain*

> *sanction. True it is, that the respondent Company which can have no control over the manner of processing of application for sanction by the Corporation cannot be blamed for delay but during pendency of its application for sanction, if the State Government, in exercise of its rule-making power, amended the Building Rules and imposed restrictions on the heights of buildings on G.T. Road and other wards, such "settled expectation" has been rendered impossible of fulfilment due to change in law. The claim based on the alleged "vested right" or "settled expectation" cannot be set up against statutory provisions which were brought into force by the State Government by amending the Building Rules and not by the Corporation against whom such "vested right" or "settled expectation" is being sought to be enforced. The "vested right" or "settled expectation" has been nullified not only by the Corporation but also by the State by amending the Building Rules. Besides this, such a "settled expectation" or the so-called "vested right" cannot be countenanced against public interest and convenience which are sought to be served by amendment of the Building Rules and the resolution of the Corporation issued thereupon."*
>
> (Emphasis supplied)

35. Inasmuch as, even under Section 17(1) of the IMCC Act, a right to seek a license to practice as a registered Ayurvedic or Unani medical practitioner would arise only after the student completed her BAMS/BUMS course and was awarded the concerned degree, the completion of the course and the award of the BAMS/BUMS degree operates as an intervening contingency which has to be navigated before any of the petitioners would have become eligible to be licensed as a registered Ayurvedic or Unani medical practitioners. As, on 11 June 2021, when Section 15(1) of the NCISM Act was brought into force, the petitioners were still in the process of pursuing their BAMS/BUMS courses, and had yet to obtain their BAMS/BUMS degrees, it cannot be said that, by merely enrolling in the BAMS/BUMS courses, a right vested in the petitioners to be conferred licenses to practice as Ayurvedic or Unani medical

practitioners immediately on obtaining the BAMS/BUMS degrees.

E. Re. submission that Section 17(1) of the IMCC Act did not permit stipulation of clearance of the NExT as a precondition to obtain a license for registration as an Ayurvedic or Unani medical practitioner

36. Ms. Jain contended, inter alia, that subjecting the petitioner's to the NExT was also illegal because Section 17(1) of the IMCC Act, by which the petitioners were governed, did not permit the introduction of an intervening examination between conferment, on the petitioners, of their BAMS/BUMS degrees, and grant, to them, of license to practice as medical practitioners.

37. This submission once again underscores the error of perception which the petitioners, unfortunately, harbour.

38. The reliance on Section 17(1) of the IMCC Act might have been justified, had the IMCC Act remained in force, and the respondents introduced the requirement of passing the NExT in order to obtain a license to practice by way of regulations framed under the IMCC Act. In that event, it might have been possible for the petitioners to argue that, by Regulations, the respondents could not introduce an additional level of examination between the obtaining of the BAMS/BUMS degrees by the petitioner's and grant, to them, of a license to practice as medical practitioners, where Section 17, which was the parent statutory provision, did not so conceive.

39. That is not, however, what the respondents have done. The IMCC Act has been repealed in its entirety. Simultaneously with the repeal of the IMCC Act, Section 15(1) of the NCISM Act has been brought into force. The NCISM Act also partakes of the character of plenary parliamentary legislation. It is not subordinate, in any way, to the IMCC Act; rather, it is its successor statute. There is no legal embargo, whatsoever, on the inclusion, in the relevant statutory provision in the NCISM Act, of the requirement of passing the NExT before a BAMS/BUMS graduate can obtain a license to practice as a registered medical practitioner. The Parliament, in so providing in Section 15(1), was not constricted in any way by the provisions of the IMCC Act, which was the predecessor statute and which stood completely repealed.

F. The plea of legitimate expectation

40. Fifthly, the plea of legitimate expectation, also advanced by Ms Mithu Jain, is, again, misconceived. In ***Jitendra Kumar v. State of Haryana***[18], the Supreme Court observed thus, apropos of legitimate expectation:

> "58. Application of doctrine of legitimate expectation or promissory estoppel must also be considered from the aforementioned viewpoint. A legitimate expectation is not the same thing as an anticipation. *It is distinct and different from a desire and hope. It is based on a right.* [See ***Chanchal Goyal (Dr.) v. State of Rajasthan***[19] and ***Union of India v. Hindustan Development Corpn***[20]**.** It is grounded in the rule of law as requiring regularity, predictability and certainty in the Government's dealings with the public. We have no doubt that the

[18] **(2008) 2 SCC 161**
[19] **(2003) 3 SCC 485**
[20] **(1993) 3 SCC 499**

doctrine of legitimate expectation operates both in procedural and substantive matters.

59. In ***Kuldeep Singh v. Govt. of NCT of Delhi***[21] this Court held:

> "25. It is, however, difficult for us to accept the contention of the learned Senior Counsel Mr Soli J. Sorabjee that the doctrine of 'legitimate expectation' is attracted in the instant case. Indisputably, the said doctrine is a source of procedural or substantive right. (See ***R. v. North and East Devon Health Authority, ex p Coughlan***[22]) But, however, the relevance of application of the said doctrine is as to whether the expectation was legitimate. *Such legitimate expectation was also required to be determined keeping in view the larger public interest.* Claimants' perceptions would not be relevant therefor. The State actions indisputably must be fair and reasonable. Non-arbitrariness on its part is a significant facet in the field of good governance. The discretion conferred upon the State yet again cannot be exercised whimsically or capriciously. But *where a change in the policy decision is valid in law, any action taken pursuant thereto or in furtherance thereof, cannot be invalidated*."
>
> (Emphasis supplied)

In ***U.O.I. v. Hindustan Development Corporation***[23], the Supreme Court observed, with respect to the principle of legitimate expectation, in the circumstances in which it could, and could not, apply, thus:

> "33. On examination of some of these important decisions it is generally agreed that legitimate expectation gives the applicant sufficient locus standi for judicial review and that the doctrine of legitimate expectation is to be confined mostly to right of a fair hearing before a decision which results *in negativing a promise or withdrawing an undertaking* is taken. The doctrine does not give scope to claim relief straightaway from the administrative authorities as no crystallised right as such is involved. *The protection of such legitimate expectation does not require the fulfilment of the expectation where an overriding public interest requires otherwise.* In other words where a person's legitimate

[21] **(2006) 5 SCC 702**
[22] **2001 QB 213 : (2000) 2 WLR 622 : (2000) 3 All ER 850 (CA)**
[23] **(1993) 3 SCC 499**

expectation is not fulfilled by taking a particular decision then decision-maker should justify the denial of such expectation by showing some overriding public interest. Therefore even if substantive protection of such expectation is contemplated that does not grant an absolute right to a particular person. It simply ensures the circumstances in which that expectation may be denied or restricted. A case of legitimate expectation would arise when a body by representation or by past practice aroused expectation which it would be within its powers to fulfil. The protection is limited to that extent and a judicial review can be within those limits. But as discussed above a person who bases his claim on the doctrine of legitimate expectation, in the first instance, must satisfy that there is a foundation and thus has locus standi to make such a claim. *In considering the same several factors which give rise to such legitimate expectation must be present. The decision taken by the authority must be found to be arbitrary, unreasonable and not taken in public interest. If it is a question of policy, even by way of change of old policy, the courts cannot interfere with a decision.* In a given case whether there are such facts and circumstances giving rise to a legitimate expectation, it would primarily be a question of fact. If these tests are satisfied and if the court is satisfied that a case of legitimate expectation is made out then the next question would be whether failure to give an opportunity of hearing before the decision affecting such legitimate expectation is taken, has resulted in failure of justice and whether on that ground the decision should be quashed. If that be so then what should be the relief is again a matter which depends on several factors.

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35. Legitimate expectations may come in various forms and owe their existence to different kind of circumstances and it is not possible to give an exhaustive list in the context of vast and fast expansion of the governmental activities. They shift and change so fast that the start of our list would be obsolete before we reached the middle. By and large they arise in cases of promotions which are in normal course expected, though not guaranteed by way of a statutory right, in cases of contracts, distribution of largess by the Government and in somewhat similar situations. For instance discretionary grant of licences, permits or the like, carry with it a reasonable expectation, though not a legal right to renewal or non-revocation, but to summarily disappoint that expectation may be seen as unfair without the expectant person being heard. *But there again the court has to see whether it was done as a policy or in the public interest either by way of G.O., rule or by way of a legislation. If that be so, a decision denying a legitimate expectation based on such grounds does not qualify for*

interference unless in a given case, the decision or action taken amounts to an abuse of power. Therefore the limitation is extremely confined and if the according of natural justice does not condition the exercise of the power, the concept of legitimate expectation can have no role to play and the court must not usurp the discretion of the public authority which is empowered to take the decisions under law and the court is expected to apply an objective standard which leaves to the deciding authority the full range of choice which the legislature is presumed to have intended. Even in a case where the decision is left entirely to the discretion of the deciding authority without any such legal bounds and if the decision is taken fairly and objectively, the court will not interfere on the ground of procedural fairness to a person whose interest based on legitimate expectation might be affected. For instance if an authority who has full discretion to grant a licence prefers an existing licenceholder to a new applicant, the decision cannot be interfered with on the ground of legitimate expectation entertained by the new applicant applying the principles of natural justice. *It can therefore be seen that legitimate expectation can at the most be one of the grounds which may give rise to judicial review but the granting of relief is very much limited.* It would thus appear that there are stronger reasons as to why the legitimate expectation should not be substantively protected than the reasons as to why it should be protected. In other words such a legal obligation exists whenever the case supporting the same in terms of legal principles of different sorts, is stronger than the case against it. As observed in ***Attorney General for New South Wales case***[24] : *"To strike down the exercise of administrative power solely on the ground of avoiding the disappointment of the legitimate expectations of an individual would be to set the courts adrift on a featureless sea of pragmatism. Moreover, the notion of a legitimate expectation (falling short of a legal right) is too nebulous to form a basis for invalidating the exercise of a power when its exercise otherwise accords with law." If a denial of legitimate expectation in a given case amounts to denial of right guaranteed or is arbitrary, discriminatory, unfair or biased, gross abuse of power or violation of principles of natural justice, the same can be questioned on the well-known grounds attracting Article 14 but a claim based on mere legitimate expectation without anything more cannot ipso facto give a right to invoke these principles.* It can be one of the grounds to consider but the court must lift the veil and see whether the decision is violative of these principles warranting interference. It depends very much on the facts and the recognised general principles of administrative law applicable to such facts and the concept of legitimate expectation which is the latest recruit

[24] **(1990) 64 Aust LJR 327**

> to a long list of concepts fashioned by the courts for the review of administrative action, must be restricted to the general legal limitations applicable and binding the manner of the future exercise of administrative power in a particular case. It follows that the concept of legitimate expectation is "not the key which unlocks the treasury of natural justice and it ought not to unlock the gates which shuts the court out of review on the merits", particularly when the element of speculation and uncertainty is inherent in that very concept. As cautioned in ***Attorney General for New South Wales case*** the courts should restrain themselves and restrict such claims duly to the legal limitations. It is a well-meant caution. Otherwise a resourceful litigant having vested interests in contracts, licences etc. can successfully indulge in getting welfare activities mandated by directive principles thwarted to further his own interests. The caution, particularly in the changing scenario, becomes all the more important."

41. Thus, the following characteristics of the principle of legitimate expectation are significant:

(i) A legitimate expectation is not a desire or hope. It is based on the existence of a right.

(ii) Legitimate expectation is grounded on the requirement of ensuring regularity, predictability and certainty in the government's dealings with the public.

(iii) Legitimate expectation cannot overweigh public interest. An action taken in public interest cannot be interfered with, on the ground that persons affected by it legitimately expected otherwise. To succeed in a plea of legitimate expectation, one has to show that the impugned action is arbitrary, unreasonable, and not taken in public interest.

(iv) If the impugned action is based on a change in a policy decision, and the policy change is valid in law, the impugned action cannot be invalidated. An action taken by way of a Government Order, Rule or a legislation, cannot be invalidated on the principle of legitimate expectation, unless the act amounts to abuse of power.

(v) The principle of legitimate expectation normally requires only that, before the impugned decision, negativing a promise of withdrawing an undertaking, is taken, the affected person is entitled to arrive at a fair hearing.

(vi) The confines of the principle of legitimate expectation are, therefore, extremely limited.

(vii) Setting aside actions taken in valid exercise of administrative power, solely to avoid disappointing the legitimate expectations of an individual, would result in courts being set adrift on a featureless sea of pragmatism.

(viii) The notion of legitimate expectation is too nebulous to constitute the basis for invalidating the exercise of power, if the exercise otherwise accords with law. A claim based on mere legitimate expectation, without anything more, cannot ipso facto give a right to hand the impugned action invalidated.

42. Applying these principles, it is apparent that no case for interference with the decision to introduce the NExT as an

examination which the BAMS/BUMS graduate would have to undertake, before being entitled to a license to practice as a registered medical practitioner, can be said to exist. The introduction of the NExT is in keeping with the NEP 2020 and is obviously in public interest. It is intended to ensure quality and excellence in persons practising in Ayurvedic and Unani medicine. It is taken on the basis of parliamentary legislation, which is in fact superior to any governmental order or Rule. It falls solely and squarely within the realm of academic policy. Even for that reason, the scope of interference by Courts is heavily circumscribed. Besides, while undertaking the BAMS or BUMS courses, the petitioners may have had a fond desire that they would clear the courses and ultimately be awarded BAMS or BUMS degrees, but this cannot translate into a legal right. The right to a license to practice as a registered medical practitioner is a later stage, conditional on obtaining a valid BAMS or BUMS degree. The introduction of the intervening NExT examination, by the NCISM Act and Section 15 thereof cannot, therefore, be invalidated on the principle of legitimate expectation.

G. Section 6 of the General Clauses Act

43. Sixthly, Section 6(c) of the General Clauses Act, which too Ms. Jain sought to invoke, cannot aid the petitioners. Section 6 saves, on repeal of enactment, rights, privileges, obligations or liabilities acquired, accrued or incurred under the repealed enactment. The petitioners are obviously not pleading the existence of any obligation or liability. They cannot plead the existence of any right or privilege,

either, as the NExT does not impact the petitioner's right to obtain the BAMS or BUMS degrees, and the right to a license to practice as registered medical practitioners is conditional on obtaining the said degrees, and arises thereafter. None of the petitioners having, on 11 June 2021, yet obtained their BAMS or BUMS degrees, they cannot seek to plead that, by that date, any right had accrued in their favour, or that they were entitled to the privilege of being granted a licence to practise as registered medical practitioners.

44. The reliance on Section 6(c) of the General Clauses Act is also, therefore, misconceived.

H. The plea of retrospective application

45. Seventhly, the impugned Section 15(1) does not retrospectively make the NExT applicable to the petitioners. That might have been the case, were the petitioners to have already obtained their BAMS or BUMS degrees, and may be subjected to the NExT before they were granted a license to practice. None of the petitioners, however, had obtained the BAMS or BUMS degrees by 11 June 2021, when the requirement of clearing the NExT was introduced. No right to obtain a license to practice as registered medical Ayurvedic or Unani practitioners had therefore, vested in favour of the petitioners on the date when Section 15(1) of the NCISM Act was brought into force. This is in stark contrast to, for example, the situation which obtained before the High Court of Bombay in ***Mridula***, in which the petitioners had already cleared the relevant examination before the rules were

changed, and the said rules were sought to be made applicable to the petitioners.

46. It cannot, therefore, be said that the provision was made retrospectively applicable to the petitioners.

Conclusion

47. None of the grounds urged by the petitioners is, therefore, found to be substantial. The plea of the petitioners that they should not be subjected to the requirement of undertaking and clearing the NExT before they are granted a license to practice and have themselves registered as Ayurvedic or Unani medical practitioners has, therefore, necessarily to fail.

48. The writ petition, therefore, fails and is accordingly dismissed, albeit without any order as to costs.

W.P.(C) 2998/2024

49. The dispute in this petition is identical to that in WP(C) 2693/2024 (***Jiwesh Kumar & Ors. v. Union of India and Anr.***). The judgment in ***Jiwesh Kumar***, as rendered today, would, therefore, apply *mutatis mutandis* to the present petition.

50. The petitioner in this case has raised one additional issue relating to notification dated 14 December 2023 issued by the

National Commission for Homeopathy. By the said notification, it was notified that students who had joined internship prior to Notification of the National Commission for Homoeopathy (National Examinations in Homoeopathy) Regulations, 2023 ("the NCH Regulations") were not required to appear in the NExT but that interns who had joined internship on or after 29 November 2023 (the date of Notification of the NCH Regulations), had to undergo the NEXT. This created an artificial distinction between students who had joined internship prior to 29 November 2023 and students who had joined internship after 29 November 2023.

51. The petitioners have sought to submit that the distinction being made between interns, who had joined internship on or before 29 November 2023 and interns, who had joined internship prior to that date is unsustainable in law.

52. Ms. Dave, learned Senior Counsel for the respondent has sought to support the fixing of the date of 29 November 2023 as that is the date on which the NCH Regulations were came into force. As such, the students who had completed their internship prior to the regulatory system coming into place, were exempted from the requirement of appearing in NExT.

53. In view of my decision in ***Jiwesh Kumar*** *(supra)*, it is clear that the petitioners are, in any case, required to undertake the NExT. They are not candidates who completed internship prior to 29 November 2023.

54. In that view of the matter, the objection being raised by the petitioners, predicated on the fixing of the date 29 November 2023 is purely academic, insofar as the petitioners are concerned.

55. I am not inclined, therefore, to pass any order on the said prayer, as the petitioners do not really possess any *locus standi* to raise any objection *vis-à-vis* students who had completed internship prior to 29 November 2023. Besides, no such student is impleaded as a party in the present writ petition.

56. Subject to the above clarification, W.P. (C) 2998/2024 is disposed of in terms of the judgment in ***Jiwesh Kumar*** *(supra)*.

C.HARI SHANKAR, J

APRIL 22, 2024/yg