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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: October 16th, 2026***# **CNR No. DLHC010508952026**

+ W.P.(C) 15639/2026 & CM APPL. 73268/2026, CM APPL. 73269/2026

ANITA SHARAD SHEGAONKAR Petitioner

Through: Mr. Vinod Pawar and Ms. Harshita Sharma, Advocates.

versus

MEDICAL ASSESSMENT RATING BOARD

FOR INDIAN SYSTEM OF MEDICINE Respondent

Through: Mr. Kumar Prashant, Advocate for R1.

Mr. Bipul Kumar, GP for UOI.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By the present petition, the petitioner essentially challenges the order dated 01.09.2026 (hereafter '**impugned order**') passed by the learned President, National Commission for Indian System of Medicine pursuant to which the petitioner's teacher code was withdrawn and kept in abeyance for a period of one year on the ground that the petitioner failed to prove herself as a regular teacher and a penalty of ₹1.5 lakhs was imposed.

2. Succinctly stated, the petitioner was duly selected and appointed as a professor in the Department of Rachana Sharir at Sumandeep Ayurveda Medical College and Hospital with effect from 10.02.2026. On 10.03.2026, at about 02:10 PM, a surprise visit was



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conducted by Respondent No. 1. In the surprise inspection, it was found that certain faculty members had not marked attendance in the Biometric Attendance through AEBAS and their leave records had not been supplied by the principal. In the said inspection, the petitioner was found to be merely an *on paper teacher* and it was found that the petitioner deliberately remained absent. A personal hearing was afforded to the petitioner on 06.05.2026 where the petitioner supplied geo tagged photographs showing her presence in the institution, attendance records containing recorded in and out time entries, physical attendance register, leave applications substantiating that the petitioner was suffering from Carcinoma Breast and undergoing medical treatment. Upon a consideration of the same, by the impugned order, it was found that the petitioner had failed to substantiate that she was a regular teacher. Consequently, the teacher code of the petitioner was withdrawn and kept in abeyance for a period of one year and a penalty of ₹1.5 lakh was imposed.

3. It is the grievance of the petitioner that the respondent failed to consider the material supplied by the petitioner and wrongly considered the petitioner as an *on paper teacher*. It is further the case of the petitioner that the respondent authorities disregarded the petitioner's medical condition and attendance records and imposed a detrimental penalty without following any due process.

4. On the other hand, the learned counsel for the respondent submits that all the circumstances were duly considered by the authorities before passing the impugned order. He consequently submits that the impugned order does not warrant any interference by



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this Court.

5. Upon a holistic appraisal of the pleadings on record, and the rival contentions of the parties, this Court does not find any ground to interfere with the impugned order.

6. On a scrutiny of the material on record, it transpires that the principal grievance of the petitioner stems from the manner of appreciation and evaluation of the material supplied by the petitioner by the respondent authorities while passing the impugned order. It is the case of the petitioner that the respondent authorities failed to construe the material supplied in its proper light and rendered an erroneous finding that the petitioner was not a regular teacher to impose the penalty.

7. Pertinently, the petitioner was afforded an opportunity of hearing on 06.05.2026 to present her case. The impugned order records that the petitioner had supplied geo tagged photographs for two days before the surprise visitation and six photographs of six dates after the date of visitation which did not prove that the petitioner was regularly present in the institute. It was further noted that there was a discrepancy between the attendance recorded through biometric means and the attendance recorded in the physical register. The respondent authorities noted that while the petitioner had marked attendance through biometric means for 27 days, the physical register contained 30 entries. It was noted that the signatures of the petitioner taken during the course of the hearing did not match with the signatures contained in the attendance register which demonstrated that the attendance register had been manipulated. It was noted that



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the CCTV footage supplied by the petitioner for 43 days also did not go on to establish the regularity of the teacher in the institute.

8. The respondent authorities also considered the hard copy of the leave applications furnished by the petitioner and noted that the petitioner had failed to mention the period for which the leave was being sought. The respondent authorities further considered the medical certificates submitted by the petitioner and came to the conclusion that the medical certificates were fake. Upon evaluating the same, it was concluded that the material produced did not establish regular attendance and the petitioner had failed to demonstrate that she was functioning as a regular teacher at the institution.

9. As noted above, the petitioner essentially disputes the inferences drawn from the material. The petitioner relies on the biometric attendance, geo tagged photographs, CCTV footage and medical record to contend that her physical presence and *bona fide* absence were sufficiently established. The mere fact that the petitioner places a different interpretation upon the same material, does not, by itself, establish that the conclusion reached by the authority is perverse and unsupported by evidence.

10. It is not the function of this Court, in exercise of its extraordinary jurisdiction, to determine afresh whether the 27 biometric entries, 30 disputed register entries, photographs, CCTV footage, medical record, when viewed individually or cumulatively were sufficient to establish regular attendance. This Court cannot substitute its own assessment of the credibility, reliability or sufficiency of the petitioner's explanations for that of the authority



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entrusted to do the same.

11. Pertinently, as noted above, the petitioner was afforded an opportunity to present her case and merely because the petitioner disagrees with the factual conclusion drawn by the respondent authorities, without more, cannot be a ground to exercise jurisdiction under Article 226 of the Constitution of India to make a *de novo* assessment of the evidence.

12. Significantly, the respondent authorities have taken a plausible view in the facts of the present case. The relief sought by the petitioner at this juncture is predicated upon the determination of disputed questions of facts. Such questions necessitate proper appreciation and evaluation of evidence, a course that falls beyond the ordinary scope of proceedings under Article 226 of the Constitution of India.

13. The petitioner has failed to highlight any demonstrable perversity in the impugned order for this Court to exercise jurisdiction under Article 226 of the Constitution of India.

14. The present petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 16, 2026

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