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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CNR No. DLHC010449562026

Date of decision: 09.10.2026

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W.P.(C) 13812/2026 & CM APPL. 64670/2026

LIMBDI AYURVED MEDICAL COLLEGE AND RESEARCH
CENTER

.....Petitioner

Through: Mr. Sanjay Sharawat, Sr. Adv. with
counsel

versus

THE MEDICAL ASSESSMENT AND RATING BOARD & ORS.

.....Respondent

Through: Mr. Kumar Prashant, Adv.

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CNR No. DLHC010482492026

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W.P.(C) 14824/2026 & CM APPL. 69516/2026, CM APPL.

69517/2026, CM APPL. 69518/2026

LIMBDI AYURVED MEDICAL COLLEGE AND RESEARCH
CENTER

.....Petitioner

Through: Mr. Sanjay Sharawat, Sr. Adv. with
counsel

versus

MEDICAL ASSESSMENT AND RATING BOARD FOR INDIAN
SYSTEM OF MEDICINE (NCISM) AND OTHERS

.....Respondents

Through: Mr. Kumar Prashant, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

:

JASMEET SINGH, J (ORAL)

1.

These are writ petitions filed under Article 226 of the Constitution of India filed on behalf of the petitioner Institute, challenging the orders dated 08.09.2026 (impugned in W.P.(C) 13812/2026) passed by the



National Commission for Indian System of Medicine (**“NCISM”**), wherein penalty of Rs. 1 crore has been imposed on the petitioner and order dated 17.09.2026 (impugned in W.P.(C) 14824/2026), whereby the respondents have denied permission to the petitioner to admit students for academic session 2026-27.

2. Mr. Sharawat, learned senior counsel for the petitioner, states that the impugned orders suffer from gross violation of principles of natural justice and deserves to be set aside.
3. He states that the show cause notice was served upon the petitioner on 09.04.2026 at 2:46 PM and reply was sought to be given by 10.04.2026 (2:00 PM).
4. Thereafter, a physical hearing was conducted on 13.04.2026 and the impugned orders were passed on 08.09.2026 and 17.09.2026 respectively.
5. Mr. Prashant, learned counsel for the respondents, disputed the aforesaid position and states that in the present case, after serving of show cause notice, another notice dated 25.06.2026, was served upon the petitioner and the petitioner was given adequate time to respond to the same. Additionally, the faculties which were found to be missing during inspection, were called in 3 batches i.e., 20.05.2026, 22.05.2026 and 14.07.2026 and the impugned orders were duly passed after hearing the said faculties.
6. He also states that the objection regarding violation of principles of natural justice and/or lack of time to respond to the show cause notice, has never been raised by the petitioner at any point prior in time.
7. In the present case, the show cause notice is dated 09.04.2026 at 2:46,



pointing out the deficiencies. The concluding paragraph of the said show cause notice reads as under:

Hearing, will be done physically i.e., in the office of MARBISM on 13.04.2026 at 10:00 AM and you are hereby directed to make oral as well as written submissions before the designated hearing committee and produce all relevant valid documents/records/proof in original (scanned format PDF) to substantiate your claims against all the deficiencies/shortcomings as indicated above and submit an authenticated copy for evidence/verifications to Medical Assessment and Rating Board for Indian system of Medicine on email i.e. president.marbism@ncismindia.org before 02:00 PM on 10.04.2026 as per necessity. **There is no provision for post hearing submission.**

- (i) With regard to discrepancies in the AEBAS, the college is instructed to submit the relevant CCTV footage of the AEBAS attendance capture of the teaching faculties of last 03 months before the day of visitation to support the claim of their regularity of teaching staff or any other relevant documents. The footage must display the embedded timestamp, date, and time clearly visible on the recording. AEBAS CCTV footage without these details shall not be considered.

It may also be noted that no further hearing opportunity will be given in case you do not attend the hearing at the stipulated time and date. Further, it will be presumed that you have nothing to say and required necessary action in terms of the NCISM Act and the relevant regulations thereunder will be taken based on available records.

अध्यक्ष, आंकड़ों एवं रेटिंग बोर्ड
President, Medical Assessment and Rating Board

8. Though the petitioner responded to the said show cause notice on 10.04.2026 and attended the physical hearing on 13.04.2026, a perusal of the show cause notice shows that less than 24 hours were given to the petitioner to respond to the allegations in the show cause notice. Additionally, the show cause notice states “*there is no provision for post hearing submission*”.
9. Also, the impugned order has been passed on 08.09.2026 and 17.09.2026 i.e., after a period of more than 5 months from the date of issue of the show cause notice.
10. I am unable to comprehend the tearing hurry under which less than 24



hours were afforded to the petitioners to respond to a show cause notice, when the impugned order only came to be passed almost 5 months later.

11. Every action of state authorities necessarily requires strict compliance with the principles of natural justice in a meaningful and substantial manner and the same cannot be treated as a mere paper formality.
12. In the present case, the requirement to respond to the allegations stated in the show cause notice within 24 hours with no provision for post hearing submission, to my mind, does not fulfil the criteria for substantial and meaningful compliance with the principles of natural justice.
13. The subsequent notice annexed as Annexure-P9 dated 25.06.2026, is not a show cause notice but only seeks additional documents from the petitioner. Hence, the same cannot be termed a show cause notice in order to substantiate the contention of the respondents.
14. The impugned order, which is passed 5 months later, is in substance adjudicating the allegations made in the show cause notice dated 09.04.2026.
15. Even though there is a statutory remedy of First Appeal under Section 24(3) of the National Commission for Indian System of Medicine Act, 2020, I am of the view that the same will not bar the extraordinary jurisdiction of this Court.
16. The Hon'ble Supreme Court in the judgment of **Rikhab Chand Jain v. Union of India, 2025 SCC OnLine SC 2510**, has reiterated the settled position of law concerning the exercise of writ jurisdiction vested with the Courts, despite the availability of an alternative



statutory remedy. The existence of an alternative remedy is termed by the Hon'ble Supreme Court in the said judgment as a self-imposed restriction and the same cannot be treated as an absolute bar. The relevant paragraph of the judgment reads as under:

“7. Decisions of this court are legion from which guidance can aptly be drawn as to when a writ petition ought to be entertained despite the party approaching the High Court not exhausting the alternative statutory remedy available to him/her/it. Insistence by the courts—both this court and the High Courts—of exhaustion of a statutory remedy provided by an enactment before invoking the writ jurisdiction of a High Court under article 226 of the Constitution can be traced to one of several self-imposed restrictions, laid down by judicial precedents of this court. Unless, of course, any of the exceptions (challenge to an act/order grounded on (i) breach of a fundamental right; (ii) violation of natural justice principles; (iii) lack of jurisdiction; and (iv) unconstitutionality of a statute) is satisfied, that a writ court may refuse to entertain a writ petition does not admit of any doubt. This court relying on a host of decisions including State of U.P. v. Mohammad Nooh [1957 SCC OnLine SC 21; AIR 1958 SC 86.] and Titaghur Paper Mills Co. Ltd. v. State of Orissa [(1983) 53 STC 315 (SC); (1983) 142 ITR 663 (SC); (1983) 2 SCC 433; 1983 SCC (Tax) 131; 1983 SCC OnLine SC 102.] has, in Godrej Sara Lee Ltd. v. Excise and Taxation Officer-cum-Assessing



Authority [(2023) 109 GSTR 402 (SC); 2023 SCC OnLine SC 95.] , reiterated that availability of an alternative statutory remedy does not oust the jurisdiction of a writ court. It was also explained how “entertainability of a writ petition” is a concept distinct from the concept of “maintainability of a writ petition”.

(Emphasis supplied.)

17. From a conspectus of the aforesaid judgment, I am of the view that even though Section 24(3) of the 2020 Act provides an appellate statutory remedy but in the present case, the availability of such statutory remedy, cannot restrain this Court, as the show cause notice which forms the basis of the impugned orders is itself vitiated by law for the reason of being in teeth of principles of natural justice as it does not ensure substantial compliance of the same.
18. Calling of the faculty members on 3 dates does not change the fact with respect to non-compliance of the principles of the natural justice in issuing the show cause notice dated 09.04.2026, as the faculty members of the college and the college itself are essentially separate entities.
19. I am also conscious of the fact that while setting aside the impugned orders, I do not have the wherewithal to adjudicate the deficiencies pointed out in the impugned orders dated 08.09.2026 and 17.09.2026.
20. In this view of the matter, to my mind, the appropriate course that commends itself would be to direct the petitioner to respond to the allegations in the show cause notice dated 09.04.2026 within one week from uploading of the Order and the respondents to adjudicate



the same in accordance with law, within one week thereafter.

21. Needless to state, I have only set aside the impugned orders dated 08.09.2026 and 17.09.2026 for violation of principles of natural justice and have not commented on the deficiencies pointed out in those orders as it shall be within the domain of the respondents to adjudicate the same in accordance with law.
22. Consequently, the impugned orders dated 08.09.2026 and 17.09.2026 are hereby set aside.
23. The common counter affidavit by the learned counsel for the respondents handed over in Court today, is taken on record.

JASMEET SINGH, J

OCTOBER 9, 2026/sp

(corrected and uploaded on 16.10.2026)