



2026:DHC:9401



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* IN THE HIGH COURT OF DELHI AT NEW DELHI
CNR No. DLHC010480892026

Date of decision: 13.10.2026

+ **W.P.(C) 14773/2026 & CM APPL. 69239/2026, CM APPL. 69240/2026, CM APPL. 69241/2026**

FACULTY OF AYURVEDA MANSAROVAR GLOBAL
UNIVERSITY

.....Petitioner

Through: Mr. Akhil Sibal, Sr Adv. Mr. Animesh
Kumar, Adv Mr. Nishant Kumar, Adv

versus

NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE & ANR.

.....Respondent

Through: Mr. Kumar Prashant, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following reliefs :-

“a) Issue an appropriate writ/order/direction in nature of certiorari quashing the letter dated 04.09.2026 issued by Respondent No. 2.

AND/OR

b) Pass any other or further order(s) or relief(s) which this Hon'ble Court may deem fit, just and proper considering



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the facts and circumstances of the case and in the interest of justice, equity, and fair play.”

2. The brief facts of the case are that the petitioner is an institution conducting the BAMS course with an intake of 100 students since the Academic Session 2021 - 2022.
3. On 16.01.2026, the respondents conducted a surprise hybrid visitation of the petitioner institution. During the visitation, 15 faculty members were physically present in the faculty area, whereas the AEBAS data reflected that 44 teachers had marked their attendance on the day of the visitation. Proceeding on the basis of this discrepancy, the respondents concluded that the remaining 29 teachers were physically absent and were merely shown as faculty members on paper. Consequently, the impugned action was taken against the petitioner institution.
4. I have heard Mr. Sibal, learned senior counsel appearing for the petitioner, and Mr. Prashant, learned counsel appearing for the respondents.
5. The respondents issued a hearing notice dated 13.02.2026 to the petitioner institution following the visitation. The relevant portion of the said notice reads as under:



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॥ आयुषे सर्वलोकानाम् ॥

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग
आयुष मंत्रालय, भारत सरकार
कार्यालय: टी-19, पहली और दूसरी मंजिल, ब्लॉक-IV, धनवंतरी भवन,
मार्ग नंबर- 66, पंजाबी बाग (पश्चिम), नई दिल्ली-110026
National Commission for Indian System of Medicine
Ministry of AYUSH, Govt. of India
Office: T-19, 1st & 2nd Floor, Block-IV, Dhanwantari Bhawan,
Road No.- 66, Punjabi Bagh (West), New Delhi-110026

दूरभाष / Ph: 28525156
सभापति / Chairman: 28525156
सचिव / Secretary: 28525847
कार्यालय / Office: 28525464
पंजीयन / Registration: 28522519
फैक्स / Fax: 28520878
www.ncismindia.org
secretary@ncismindia.org

क्रमांक / Ref. No.- 3-5/MARB/2026-Ay.(105)

दिनांक / Dated: 13.02.2026

To,

The Principal,
Faculty of Ayurveda Mansarovar Global,
University, Village-Gadia Ratnakhedi,
Bilkisganj, Sehore-466111,
Madhya Pradesh (Inst. ID: AYU0632)
E-mail ID: - 2021ayu0632@gmail.com

Subject:- Matter related to grant of hearing in respect of shortcoming/discrepancy found in Faculty of Ayurveda, Viii. Gadia, Ratha Khedi, Bildisganj, Sehore-462111, Madhya Pradesh (Inst. ID AYU0632) during visitation schedule by the MARBISM-reg.

Sir/Madam,

It is hereby informed that as per section 28 (1)(c) of NCISM Act, 2020, the Medical Assessment and Rating Board can carry out inspections for assessing and rating of institutions by any third-party agency or persons authorized by Medical Assessment & Rating Board, National Commission for Indian System of Medicine and it shall be obligatory on such institutions to provide access to such agency for person.

Further, as per section 29(7) of NCISM Act, 2020, Medical Assessment & Rating Board, National Commission for Indian System of Medicine can conduct assessment of any institute at any time without prior notice and as per Regulation 55(10) of MESAR UG Ayurveda 2024, the Medical Assessment and Rating Board for Indian System of Medicine shall have the power to re-visit the institutions for assessment or inspection or visitation at any time and any number of times in the year and as per Regulation 55(11) of MESAR UG Ayurveda 2024, the Medical Assessment and Rating Board for Indian System of Medicine may conduct online verification of biometric attendance and physical presence of teachers and other employees, during working hours on any working day, any number of times.

Accordingly, your college was re-visited on 16.01.2026 by the MARBISM to re-verify the physical presence of teachers and other employees, during working hours.

Further, in view of above, the college has been assessed on the basis of concerned regulations. On examining following shortcoming were observed:-

Visitor's Observation is as under:-**1) Functionality of Hospital:-**

- a) Functionality of all OPDs and Functionality of all IPDs:** - Nil and Non Functional, No Patient or Consultant was available.
- b) Hospital staff:** - No photograph taken as staff came late. After 1pm total 67 hospital staff out of 72 was present.
- c) Functionality of the hospital:** - Non functional considering recording evidence and staff as well as patient non availability.
- d) Medicine dispensing:-** Staff not present in the morning.
- e) Clinical Laboratory:** - No screening or operations conducted.
- f) Radiology:** - No active screening taken place during the visitation.

2) Availability of number of non-teaching staff: - As per the photograph 27 present out of 29 and no leave record provided for the same.

3) Proof of Attendance of teaching, non-teaching, and hospital staff at the time of visit, along with biometric data: - For AEBAS, android phones are being used with face recognition. 15 faculty members were present. However, on AEBAS data 44 were present. (copy enclosed)

4) Student Grievances :(as evident in the recording)

- Students complained about excess fees being charged from AIQ (All India Quota) students.

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Signed By:SAHAJ PREET
KAUR
Signing Date:17.10.2026
17:55

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- Allegations of demanding donations and miscellaneous from first-year students.
- Student reporting that no hospital duty or Clinical posting assignment in 3rd or any other professional.
- Principal not available for inspection and not communicated about leave as per NCISM official policy to Institute.

In view of above, assessment report was placed in the **157th Board meeting** of Medical Assessment and Rating Board for Indian System of Medicine (NCISM) on **29.01.2026**. On careful examination of the assessment report, Board discussed the same and decided to provide an opportunity of hearing to your college.

Therefore, you are hereby given an opportunity of hearing on **17.02.2026** to appear before the designated Hearing Committee as appointed by the President, Medical Assessment and Rating Board, NCISM and present your case and clarify the above position as why not disciplinary action be initiated against your institute as per the concerned Acts & Regulation.

Hearing, will be done virtually i.e., through video conferencing and the link, timing and other details of the same will be communicated separately.

It is further directed that you may 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)/CCTV recording of hearing day / 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 **12.00 Noon at 15.02.2026 as per necessity or in respect of shortcoming mentioned above only**. There is no provision of post hearing submission

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, आंकलन एवं रेटिंग बोर्ड
President, Medical Assessment and Rating Board
भारतीय प्रिविलेज पद्धति राष्ट्रीय आयोग
National Commission for Indian System of Medicine
पंजाबी बाग (पश्चिम), नई दिल्ली-110026
Punjabi Bagh (West), New Delhi -110026
(Dr. Mukul Patel)

**President, Medical Assessment and Rating Board for Indian System of Medicine
(NCISM)**

Copy to:-

- 1) The Chairperson, National Commission for Indian System of Medicine, T-19, 1st Floor, Block-IV, Dhanwantri Bhawan, Road No.66, Punjabi Bagh (West), New Delhi-110026.
- 2) Guard file.



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6. A perusal of paragraph 3 of the aforesaid notice indicates that the discrepancy relied upon by the respondent was that, while the AEBAS data reflected the attendance of 44 faculty members, only 15 faculty members were found physically present during the visitation.
7. The petitioner submitted a point-wise reply to the said notice, explaining the circumstances in which certain faculty members were not present in the faculty area at the time of the visitation and furnishing supporting documents in this regard. The petitioner, inter alia, relied upon the deployment of faculty members for community outreach medical camps and the attendance records maintained through the AEBAS mechanism.
8. Thereafter, the respondent passed the impugned order dated 04.09.2026, whereby a monetary penalty of Rs. 1 crore was imposed upon the petitioner institution and 29 faculty members were declared to be “on-paper teachers”. The relevant portion of the impugned order reads as under:



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- monetary penalty of Rupees Twenty Five lakh per faculty and the said faculty shall not be considered/counted as a genuine regular faculty in the said medical institution, therefore, only genuine faculty shall be considered for granting permission to the medical institution in respect of seats
- If any physically absent but present only on paper teacher found in the middle of the session and if the institute doesn't pay the penalty amount as mentioned above, permission for the next academic sessions shall be withheld till the remittance of penalty fee.

"DECISION"

Therefore, in view of the above recommendation of the hearing committee and decision of the Board, monetary penalty of Rupees One Crore Only (Rs. 1,00,00,000/-) is hereby imposed on your institution in accordance with section 28(1)(f) of NCISM Act 2020, Regulation 71 (3) (a) of the Minimum Essential Standards, Assessment and Rating for Undergraduate Ayurveda Colleges and Attached Teaching Hospital Regulations, 2024 and MARBISM Letter No. 3/2024/MARB/General Matter dated 10.02.2025, as Twenty Nine (29) faculty members of your institution as mentioned above, are proven to be physically absent but present only on paper and the documents and the clarification submitted by the institution are not sufficient to substantiate the regularity and physical presence of the said faculty members in the institution.

And to withhold the Teacher Code of Twenty Nine (29) Faculty members & impose the monetary penalty as per the decision taken in the 26th meeting of the commission, informed vide office memorandum dated 11.08.2026 and referred the matter to the BERISM, NCISM to suspend or withhold the registration of teachers & take necessary action in accordance with the concerned regulation.

- 10) Further, imposed penalty of Rupees One Crore Only (Rs. 1,00,00,000/-) is to be remitted in the account of NCISM on or before 31st Dec. 2026, the details of which are as follows: -

Name of the Account	The National Commission Fund for Indian System of Medicine
Bank Account Number	40304186583
IFSC Code	SBIN0010651
Bank Name	State Bank of India
Branch Address	CCRAS Janakpuri New Delhi - 110058

- 11) In case of failure to remit the penalty within the stipulated time, the Board shall be constrained to initiate further action under Regulation 71(3)(b) and 71(3)(d)(e)(g) of MESAR (UG-Ayurveda) Regulations, 2024, including warning, withdrawal of permission/rating, for subsequent academic years, reduction of intake capacity, or any other action deemed fit.


अध्यक्ष, आयोग और रेटिंग बोर्ड
(Dr. Mukul Patel)
President, Medical Assessment and Rating Board
गणतंत्र भारत का राष्ट्रीय आयुर्वेद आयोग
National Commission for Indian System of Medicine (NCISM)
पंजाबी बाग (पश्चिम), नई दिल्ली-110026
Punjabi Bagh (West) New Delhi-110026

Copy to through email: -

- 1) The Chairperson, National Commission for Indian System of Medicine, T-19, 1st Floor, Block-IV, Dhanwantri Bhawan, Road No.66, Punjabi Bagh (West), New Delhi-110026 for information.
- 2) The Secretary to Govt. of India, Ministry of AYUSH, Ayush Bhawan, B-Block, GPO Complex, INA, New Delhi-110023. (secy-ayush@nic.in, ep1section-ayush@gov.in).
- 3) Legal Section, NCISM
- 4) Guard file

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(Dr. Mukul Patel)
President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM)



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9. The principal question that arises for consideration is whether the respondents could have arrived at the aforesaid conclusion and imposed the consequential penalty without following the procedure prescribed under the Standard Operating Procedure dated 10.02.2025 (SOP).
10. In this regard, my attention has been drawn to the SOP dated 10.02.2025, particularly paragraphs 3, 5 and 6 thereof, which prescribe the procedure for identifying and verifying faculty members suspected of being physically absent but shown as present on paper. The relevant provisions read as under:



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3) The following observations are considered for suspicion regarding the regular presence of the teacher at the college: -

S. No.	Observation	Remarks
1.	Not installing the AEBAS enabled device at the College and Hospital	All the teachers of the college will come under suspicion even though they are present on the day of visitation
2.	Installed the AEBAS enabled device at college and hospital but have not registered any teacher	All the teachers of the college will come under suspicion even though they are present on the day of visitation
3.	Have enrolled only few teachers in AEBAS enabled device	The non enrolled teachers will come under suspicion even though they are present on the day of visitation
4.	Have enrolled all teachers but a few are registering attendance in AEBAS enabled device	The teachers not registering their attendance will come under suspicion even though they are present on the day of visitation
5.	Have enrolled all teachers and registering their attendance from date of first registration, continuing the same after submission of part-1 upto the day of visitation and present on the day of visitation.	All the teachers will not come under suspicion during visitation; subject to the condition mentioned at serial no. 7.
6.	Fulfilling the above criteria no. 5 but not registering the attendance after visitation	The teacher who is not registering attendance shall come under suspicion.
7.	On verifying the attendance from the date of registration in the AEBAS device to the day of visitation or on the date of verification teachers are having less than 75% attendance	The teacher having less than 75% attendance shall come under suspicion even though they are present on the day of visitation or verification



5) Standard Operative Procedure for Hearing.

- i) The suspicious teachers and the college shall be served with hearing notice mentioning the reason for suspicion.
- ii) Hearing shall be conducted by designated hearing committee on a fixed date.
- iii) Minutes of the hearing shall be submitted to the Board after hearing.

6) The criteria of verification and the documents to be submitted during the hearing to prove the regular presence of the teacher at the college: -

- i) The period of verification shall be 6 months prior to the submission of part-1 visitation proforma or the period of service of the teacher at the college whichever is lesser.
- ii) The teachers/college may submit the following documents before or during hearing to prove their regular attendance in the college.

Documents for substantiating regular attendance-

- a) Uncut CCTV Camera Footage of the teachers marking daily attendance in biometric device for 6 months prior to submission of part-1 or the period of service of the teacher at the college whichever is lesser.
- b) Google Timeline for regular travel from residence to college for 6 months prior to submission of part-1 or the period of service of the teacher at the college whichever is lesser (desirable, accepted only if submitted voluntarily).
- c) Geo tagged photographs of taking classes or attending the official programs at the institute during the aforementioned verification period.
- d) Fast-tag or other travelling record for daily travelling from residence to college.

Note: - Above points from a) to d) shall cumulatively prove at least 75% of daily attendance on working days to consider the teacher as regular in the college.

11. A cumulative reading of the aforesaid provisions indicates that a discrepancy between the attendance reflected in the AEBAS data and the physical presence of faculty members at the time of visitation cannot, by itself, be treated as conclusive proof that the faculty members concerned



are merely present on paper. The SOP contemplates verification of records for the preceding six months. It further provides for scrutiny of attendance against the prescribed threshold of 75%, in accordance with the criteria stipulated therein, before arriving at such a conclusion.

12. In the present case, a perusal of the hearing notice dated 13.02.2026 and the impugned order dated 04.09.2026 indicates that the petitioner was not put to notice regarding the proposed reliance upon the attendance data for the preceding six months, nor was the petitioner called upon to explain the position with reference to the said data in the manner contemplated under the SOP. The notice proceeded primarily on the discrepancy between the AEBAS attendance recorded on 16.01.2026 and the number of faculty members physically present during the visitation.
13. The respondents have, therefore, proceeded to declare 29 faculty members as “on-paper teachers” and impose a monetary penalty of Rs. 1 crore without demonstrating compliance with the verification procedure prescribed under its own SOP. The impugned order, insofar as it records the aforesaid finding and imposes the consequential penalty upon the petitioner, cannot be sustained in the absence of such compliance.
14. In view of the aforesaid, I am of the view that the impugned order dated 04.09.2026, to the extent that it declares the 29 faculty members to be “on-paper teachers” and imposes a monetary penalty of Rs. 1 crore upon the petitioner institution, is unsustainable and is accordingly set aside.
15. It is, however, clarified that this Court has not examined the merits of the allegations against the petitioner or the concerned faculty members. The respondents shall be at liberty to initiate or undertake proceedings



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afresh, if so warranted, in accordance with the procedure prescribed under the SOP .

16. The petition is disposed of in the aforesaid terms.

OCTOBER 13, 2026 / (MS)
(Corrected and released on 17.10.2026)

JASMEET SINGH, J