

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 2082-2084/2023

(Arising out of impugned final judgment and order dated 20-10-2022 in WP No. 11984/2022 30-12-2022 in IA No. 30674/2022 06-01-2023 in IA No. 30674/2022 passed by the High Court Of Judicature At Bombay)

SHREE CHHATRAPATI SHIVAJI EDUCATION SOCIETY KOLHAPUR Petitioner(s)

VERSUS

NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE &  
ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.18133/2023-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.18134/2023-EXEMPTION FROM  
FILING O.T. )

Date : 03-03-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.  
Mr. Sandeep Sudhakar Deshmukh, AOR  
Mr. Nishant Sharma, Adv.  
Mr. Tushar D. Bhelkar, Adv.

For Respondent(s) Mr. Subhash Jha, Adv.  
Mr. Ganesh S. Patil, Adv.  
Mr. Anoop Prakash Awasthi, AOR  
Ms. Prapti Singh, Adv.  
Parthvi Ahuja, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The Bombay High Court, had on 20.10.2022 issued directions with respect to inspection of the [Rural Institute of Ayurveda Research Centre](#), Vidyagiri, District Satara. The respondent writ

petitioner, was granted the liberty to take appropriate steps. Later another order was made in a miscellaneous application (filed in the disposed of proceeding i.e. W.P. (C)No. 11984/2022) in which the respondent applicant had claimed that he had not been supplied with inspection report.

The petitioner was directed to take steps in accordance with law on the basis of the inspection report. Yet another application was later filed (i.e. I.A. No. 30674/2022). In these applications, the Court had directed the supply of the inspection report which was done on- and recorded by the order of 02.01.2023. The High Court in the circumstances based on the respondent's argument felt that the report was based on misreading of the Court's previous order dated 20.10.2022. The Court was of the opinion that even though the main proceeding was disposed of, it would be appropriate to permit the writ petitioner/ respondent to amend the proceeding after restoration of the disposed of writ petition. The Court, therefore, restored the petition.

This Court has heard counsel for the parties and is of the opinion that the course adopted by the High Court in the orders dated 30.12.2022 and 06.01.2023 - (both of which have been impugned along with previous order dated 20.10.2022) cannot be sustained. The High Court clearly fell into an error in permitting the restoration of writ petition based upon a subsequent event.

This is impermissible in view of the decision in *State of Uttar Pradesh v. Shri Brahm Datt Sharma*, reported in (1987) 2 SCC 179.

For the above reasons, the impugned orders dated 30.12.2022 and 06.01.2023 are hereby set side. It is, however, open to the respondent to approach the High Court with a fresh writ petition which shall be decided in accordance with law. All contentions of the parties are kept open, including the objections of the petitioner to the maintainability of the disposed of writ petition (W.P.(C) No. 11984/2022).

The special leave petitions are allowed in the above terms.

Pending application(s), if any, are disposed of.

(HARSHITA UPPAL)  
SENIOR PERSONAL ASSISTANT

(MATHEW ABRAHAM)  
COURT MASTER (NSH)