

No.MCI-5(2)/2003-Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Friday, the 16th July, 2004 at 11 a.m. in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi –2 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

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Present:

Dr.P.C. Kesavankutty Nayar	]President (Acting)]Former Dean,]Govt. Medical College,]Trivandrum
Prof. P.N.Tandon	]Former Prof. & Head of Neuro-]Surgery, A.I.I.M.S, New Delhi and]Member, Adhoc Committee]appointed by the Hon'ble Supreme]Court
Dr. (Mrs.) S.Kantha	]Former Vice Chancellor,]Rajiv Gandhi University of Health]Sciences, Karnataka and Member,]Adhoc Committee appointed by]the Hon'ble Supreme Court.
Dr.D.K. Sharma	]Former Prof. & Head]Deptt. of Paediatrics]LLRM Medical College]Meerut.
Dr.M.K. Sharma	]Deptt. of Surgery, SMS Medical]College, Jaipur.
Dr.Ajay Kumar	]Consultant Urologist]Hony. Secretary,]Urologist Society of India](USI)
Dr. P.K. Sur	]Director,IPGMER,]Kolkatta.
Dr. G.B. Gupta	]Prof. of Medicine, Pt.JNM Medical]College, Raipur
Dr. Nitin S. Vora	]Director, Health Services(ESIS),]Govt. of Gujarat.
Lt.Col. (Retd.) Dr. A.R.N. Setalvad	- Secretary

Apologies for absence were received from Prof. N. Rangabashyam, Member, Adhoc Committee and Dr. K.S. Chugh, Dr. V.K. Puri, Members, Executive Committee.

1. **Minutes of the Executive Committee meeting held on 2nd July, 2004 – Confirmation of.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council confirmed the minutes of the meeting of the Executive Committee held on 2nd July, 2004 with the following modification in item no.40, page 32.

Item No. 40. Consideration of order dated 28.4.2004 passed in W.P.No.(C) No. 604/2002- Dr. Sanjeev Gupta & Ors. Vs. UOI & Anr – relation to modalities of screening Test.

The last line of the decision be read as follows:-

“.....agree with the recommendations made on this meeting. A representative of the Association was allowed to present their views before the Committee.”

2. **Minutes of the last meetings of the Executive Committee – Action taken thereon.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the action taken on the various items included in the minutes of the Executive Committee meeting held on 2nd July, 2004.

3. **Pending Items arising out of the decisions taken by the Executive Committee.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the list of pending items arising out of the decisions of the Executive Committee.

4. **Establishment of new medical college at Vikarabad by Bhagwan Mahavir Memorial Trust, Hyderabad.**

Read: The compliance verification inspection report (2nd & 3rd July 2004) for establishment of medical college at Vikarabad by Bhagwan Mahavir Memorial Trust, Hyderabad.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

“(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”

(6A) There shall be no admission of students in respect o any academic session beyond 30th September under any

circumstance. The Universities shall not register any student admitted beyond the said date.

(6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under:-

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

- 8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*
- 8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.*
- 8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all

necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal

for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to

dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection to assess the facilities at the proposed medical college on 29-30 May 2003, 23-24 January 2004 & 2-3 July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days)

		inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1.

a) The shortage of teaching faculty is 82% :-

Professor Nil5Required – Professor in Anatomy, Physiology, Biochemistry, Medicine and Surgery.

Available – Professor in OBG, Medicine, Ophthalmology, Orthopaedics and Pathology.

Associate Prof.8 (Anatomy-2, Physiology-2, Biochemistry-1, Pharmacology-1, Microbiology-1, Anaesthesia-1)

Assistant. Prof.17 (Anatomy-3, Physiology-2, Biochemistry-1, Forensic Medicine-1, Community Medicine-1, General Medicine-3, General Surgery-3, Obst. & Gynae.-1, Anaesthesia-1, Dentistry-1)

Tutor17 (Anatomy-3, Physiology-4, Biochemistry-2, Pharmacology-1, Pathology-1, General Medicine-4, Anaesthesia-2)
- b) The shortage of Residents is 100% as under :-

Sr. ResidentNil

Jr. ResidentNil

2. Clinical material is inadequate as under :-

	Daily	Average	Day of Inspection
O.P.D. attendance	400	550	427
Casualty attendance	25	45	28
Bed occupancy%	25	45	12
<u>Operative work</u>			
Number of major surgical operations	3	5	Nil
Number of minor surgical operations	8	12	Nil
Number of normal deliveries	0	1	Nil
Number of caesarian Sections	0	1	Nil

<u>Radiological Investigations</u>	OP	IP	OP	IP
X-ray	30	50	55	1
Ultrasonography	10	12	12	2
Special Investigations	0	5	0	0
C.T. Scan				
<u>Laboratory Investigations</u>				
Biochemistry	25-45	10-15	16	8
Microbiology	10-25	5-10	18	4
Serology	50-75	10-15	36	18
Parasitology	5-10	1-5	8	4
Haematology	-	40-80	160	32
Histopathology	-	0-2	-	-
Cytopathology	2-4	0-1	-	-
Others	-			

3. The Govt. of Andhra Pradesh, Health, Medical & Family Welfare (E1) Department, in their letter No. 18777/E1/2003/1 dt. 25-8-2001, has issued the Essentiality Certificate. However, in the letter No. 24649/E1/2003/1 dt. 25-11-2003, Government of Andhra Pradesh has issued a Show Cause Notice to the Trust to explain the cause for the delay in establishing the College with a warning of canceling Essentiality Certificate. The Trust has replied for the Show Cause Notice in their letter dt. 29-11-2003 and the matter is in correspondence.
4. Buildings – The Proposed Medical College will occupy three storied building, out of which the ground and first floor is under construction. The hospital is located in a separate three storied building. OPD block is present in the ground floor of the Hospital building.
5. Common room for boys and girls has been earmarked in the college building.
6. A library is available in the room next to Dean's office. The books and journals are inadequate as under :

Total No. of books	:	432
Total No. of titles	:	65
Total No. of Indian Journals	:	Nil
Total No. of Foreign Journals	:	03
7. Internet and medlar facilities are not available. The Number of computer terminals available in the library are nil.
8. Central photography cum audio-visual units.
9. The central workshop is not available.
10. The Hostels for boys and girls are under construction within the campus.
11. The Registration is manual and not computerized.
12. In OT, Central oxygen supply, suction, pipes are laid down but not functional.
13. There are 5 OTs, out of which only 2 are functional and they are in the process of being airconditioned.
14. There is no resuscitation equipment.
15. ICCU, ICU, Medical, Surgical, Burns, Neonatal, Paediatrics, Obstetrics intensive care are under construction.
16. There is no hospital kitchen/Dietician available.
17. Incinerator is not available.
18. Nursing Staff is inadequate as under :-

Nursing Suptd.	:	1
Dy. Nursing Suptd.	:	2
Matron	:	Nil
Asst. Nursing Suptd.	:	-
Nursing Sisters	:	-
Staff Nurses	:	102
19. No faculty member in Anaesthesia is available.
20. On the day of inspection, Major/Minor surgeries were performed.
21. No faculty member in Radiology available.

22. Staff quarters not available.
23. Resident hostel not available.
24. Nurses hostels are not available.
25. The building is under construction and there is only one staff member in the Department of Anatomy.
26. The building is under construction and there is no staff member in the Department of Physiology
27. No faculty is available in the Department of Biochemistry Department.
28. The Lecture theatres are under construction.
29. Other deficiencies/remarks are in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for establishment of new Medical College at Vikarabad by Bhagwan Mahavir Memorial Trust, Hyderabad.

5. **Surat Municipal Institute of Medical Education & Research, Surat-
Renewal of permission for admission of 5th batch of MBBS students
for the academic session 2004-2005.**

Read: The compliance verification inspection report (2nd & 3rd July 2004) for renewal of permission of admission of 5th batch of MBBS students for the academic session 2004-2005 at Surat Municipal Instt. of Medical Education & Research, Surat.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (2nd & 3rd July , 2004) alongwith the previous inspection report (May, 2004) and decided to recommend to the Central Government to renew the permission for admission of 5th batch of 100 MBBS students for the academic session 2004-05 at Surat Municipal Instt of Medical Education & Research, Surat .

6 **A.J.Instt. of Medical Sciences, Mangalore - Renewal of permission for
admission of 3rd batch of MBBS students for the academic session
2004-2005.**

Read: The compliance verification inspection report (2nd & 3rd July 2004) for renewal of permission of admission of 3rd batch of MBBS students for the academic session 2004-2005 at A.J.Instt. of Medical Sciences, Mangalore.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*

- (6A) *There shall be no admission of students in respect of any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year."

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003

conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court

being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for admission of students against the increased intake i.e. 100-150 at A. J. Instt. of Medical Sciences, Mangalore on 24-25 May 2004 and 2-3 July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year

2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To
The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for

establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

The Inspection of A. J. Institute of Medical Sciences, Mangalore to verify the compliance submitted by the college on 26th June 2004 for the purpose of Renewal of permission for admission of 3rd batch of students for the academic year 2004-05 was carried out on 2-3 July 2004 by the Council Inspectors. The perusal of the Inspection Report reveals as under:

1. a) The shortage of teaching faculty is as under :-
1) Professor - 1 (Anaesthesia)
- b) The following medical teachers have been found working at other medical institutions during the other inspections carried out by the Medical Council of India for the academic year 2004-05:-

Name of the Teacher	Department
Dr. G.S. Malipati	Anatomy
Dr. Geetha Singh	Anatomy
Dr. A. Govindarajan	Community Medicine
Dr. Srikrishna	Community Medicine
Dr. Santosh T Soans	Paediatrics
- c) In view of above, the shortage of teaching faculty is more than 5 %.
- d) The infrastructure of some pre and para clinical departments, mainly the student practical laboratory are also used by dental students.

2. Clinical material is inadequate as under :-

	Daily	Average	Day of Inspection
O.P.D. attendance	394		100
Casualty attendance	28		Nil
Bed occupancy%	76%		40 to 50%
<u>Operative work</u>			
Number of major surgical operations	7		3
Number of minor surgical operations	15		2
Number of normal deliveries	1		1
Number of caesarian Sections	1		Nil
<u>Radiological Investigations</u>	O.P.	I.P.	O.P.
X-ray	82		I.P.
Ultrasonography	43		20
Special Investigations	05		15
C.T. Scan	18		Nil
			Nil
<u>Laboratory Investigations</u>			
Biochemistry	51	124	20
Microbiology	1	6	02

Serology	14	42	04
Parasitology	02	10	02
Haematology	56	124	80
Histopathology	Nil	Nil	Nil
Cytopathology	Nil	Nil	Nil
Others	Nil	Nil	Nil

- 3. Appointment letters of many faculty members specifies that they have to take classes for Dental, Physiotherapy and BSc. Nursing students also. As such all the Pre and Para-Clinical Departments are regularly taking Classes for Dental Students.
- 4. Present RHTC is not having sufficient Clinical material.
- 5. There is no separate hostel for Resident doctors.
- 6. Quarters available within the campus for non-teaching staff are not adequate.
- 7. Teaching areas are not provided in OPD for Surgery, Medicine and Orthopaedic Specialities. Teaching facilities like patient couch, stools, x-ray, view box, examination tray etc. are not provided in all the areas. Audiometry room is not available.
- 8. Some wards are having overcrowding of the beds. Bed numbers and unit numbers are not displayed for all the beds. All the beds are not provided with bedside lockers. Most of the wards are planned in the form of small rooms having 5-10 beds. As a result of this, nursing station is quite away from the patients. Some of the side room laboratories are not equipped. Teaching areas are not provided in any of the wards. Ward teaching is carried out near the patients' bed in the ward.
- 9. Some of the wards are not having procedure/examination room. In Medicine Male Ward, patients of General Medicine, TB & Dermatology are found. In IV-D Ward, Male Orthopaedic, Male Surgery and Female Surgery patients are found.
- 10. Bed Occupancy is 40 to 50%
- 11. Many of the Case Sheets in IP admission done on 2-7-2004 in different Wards were blank. Most patients admitted in the wards did not require admission. Many of them were elderly people and some of them were Healthy adults.
- 12. Laboratory facilities are inadequate as under :-
 - Physiology Dept.
 - Hematology Lab. 60 work places
 - Mammalian Lab Nil (not in use)
 - Amphybian Lab 10 work places
 - Clinical Lab 8 Beds
- 13. In Biochemistry Deptt., 75% teachers are non-medical.
- 14. In Microbiology Deptt., 50% teachers are non-medical teachers.
- 15. Permission from Government for performing Medico-legal Postmortems is not received.
- 16. Accommodation for nurses is only Dormitory type.
- 17. Separate Statistic for OPD and Indoor was not available.
- 18. OPD cubicles for the faculty are not sufficient.
- 19. Demonstration rooms are located in the first floor of the hospital and they are not adjacent to the OPD. The demonstration rooms are inadequate and are not provided with view boxes, examination tray, blackboard etc.
- 20. Many old Doctors have been appointed as Junior Residents, who have been practising for more than 10 years.
- 21. Unpaid and old Electricity bills have been produced as a proof of Residence in respect of Large number of Faculty and Residents.
- 22. There is no Central Oxygen/Suction available in all the areas in the Hospital where it is required.
- 23. There is shortage of Nursing Staff. Deployment of Nursing Staff is not as per MCI Norms.
- 24. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to

reiterate its earlier decision to recommend to the Central Govt. not to renew of Permission for admission of 3rd batch of students for the academic year 2004-05 at A. J. Instt. of Medical Sciences, Mangalore.

7. P.E.S. Medical College, Kuppam (A.P.) - Renewal of permission for admission of 3rd batch of MBBS students for the academic session 2004-2005.

Read: The compliance verification inspection report (5th & 6th July 2004) for renewal of permission of admission of 3rd batch of MBBS students for the academic session 2004-2005 at P.E.S. Medical College, Kuppam.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- "(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E"*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year."

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>

Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt.of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

- “.....8. *Time Schedule for completion of the admission process*
- 8.1 *The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-*
- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
 - ii) even, if seats are unfilled that cannot be a ground for*

- making mid session admissions;*
- iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
 - iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
 - v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
 - vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
 - vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 *In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.*

8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*

8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.*

8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was

also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in

CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On

achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.

- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated

27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

- 06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.
- 04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for the academic year 2004-05, on 31st March & 1st April, 2004 & 5th – 6th of July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infrastructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. Shortage of teaching faculty and residents has increased appreciably since the last inspection done on 31st March & 1st April 2004

The shortage of teaching faculty is as under :-

a) Faculty 56% (i.e. 96 out of 172)

Professor	4 (Forensic Medicine-1, Biochemistry-1, Microbiology-1, Pharmacology -1)
Assoc. Prof.	29 (Anatomy-2, Biochemistry-1, Patholgy-3, Pharmacology -1, Forensic Medicine-2, Community Medicine -2, General Medicine -3, TB & Res. -1, Dermatology-1, Paediatrics-3, General Surgery1-,

	Orthopaedics -2, Obst. & Gynac. -2, Radio-diagnosis -1, Anaesthesiology-1, Dentistry-1)
Asst. Prof.	15 (Anatomy-3, Physiology -1, Patholgy-1, Forensic Medicine-1, Community Medicine -5, General Medicine -1, Dermatology-1, Orthopaedics -1, Radio-diagnosis -1
Tutor	28 (Anatomy-4, Physiology -6, Biochemistry-3, Patholgy-6, Microbiology -2, Pharmacology -2, Forensic Medicine-2, Radio-diagnosis -1, Anaesthesiology-3)

b) Residents 45% (i.e. 45 out of 100)

Sr. Resident	19 (General Medicine -6, TB & Res. -1General Surgery-6, Ophthalmology -1, Orthopaedics -3, Psychiatry- 1)
Jr. Resident	36 (General Medicine -12, TB & Res. -2, Paediatrics -4, General Surgery-12, Oto-rhino. -2, Obst. & Gynac. -6)

2. Clinical material is grossly inadequate as under :-

	Daily Average	Day of Inspection
O.P.D. attendance	525	470
Casualty attendance	45	50
Bed occupancy%	80%	76%
<u>Operative work</u>		
Number of major surgical operations	06	Nil
Number of minor surgical operations	11	4
Number of normal deliveries	02	01
Number of caesarian Sections	01	01
<u>Radiological Investigations</u>	D.P. I.P.	O.P. I.P.
X-ray	110	70
Ultrasonography	30	13
Special Investigations	06	03
C.T. Scan	05	01
<u>Laboratory Investigations</u>		
Biochemistry	80	65
Microbiology	30	18
Serology	80	57
Parasitology	30	18
Haematology	305	275
Histopathology	05	03
Cytopathology	04	03
Others	-	-

- 3. There is no lecture hall in the hospital.
- 4. RHTC is under the administrative and financial control of the Govt. of Andhra Pradesh.
- 5. The beds are placed too close to each others. There is overload of beds in several wards.
- 6. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for admission of 3rd batch of students for the academic year 2004-05 at PES Instt. of Medical Sciences, Kuppam.

8. **Maharaja Instt. of Medical Sciences, Vizianagaram - Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2004-2005.**

Read: The compliance verification inspection report (5th & 6th July, 2004.) for renewal of permission of admission of 2nd batch of MBBS students for the academic session 2004-2005 at Maharaja Instt. of Medical Sciences, Vizianagaram.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (5th & 6th July, 2004) alongwith the previous inspection report (May, 2004) and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of 100 MBBS students for the academic session 2004-05 at Maharaja Instt. of Medical Sciences, Vizianagaram.

9. **Govt. Mohan Kumarmanagalam Medical College, Salem – Increase of seats 1st MBBS course from 75 to 100..**

Read: The compliance verification inspection report (2nd & 3rd July 2004.) for increase of Seats in Ist MBBS course from 75 to 100 at Govt. Mohan Kumarmangalam Medical College, Salem.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission

made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt.of India, Ministry of

Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission

to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides.

Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the

Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.

- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This

college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for increase of seats in Ist. MBBS course from 75 to 100 on 26th & 27th May, 2003, 19th & 20th Feb., 2004 & 2nd & 3rd July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July

Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.

(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To
The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The shortage of teaching staff is 23% (29 out of 126) is as under:

Professors-2 (Physiology-1, Community Medicine-1)

Assoc. Professors-6 (Anatomy-1, Physiology-1, Pathology-1, Community Medicine-1, Radiology-Diagnosis-1, Dentistry-1)

Asstt. Professors-10(Anatomy-3, Microbiology-1, Forensic Medicine-1, TB & Chest-1, Psychiatry-1, Oto-Rhinolaryngology-1, Radio-Diagnosis-2)

Tutors-11 (Physiology-1, Pharmacology-1, Pathology-2, Forensic Medicine-2, Community Medicine-3, Radio-Diagnosis-1, Anaesthesiology-1)
2. Clinical material is inadequate in terms of Laboratory investigations as under:-

Laboratory Investigations	Daily Average		Day of Inspection
Microbiology	3	19	1
Serology	8	00	4
Histopathology	1	04	4
Cytopathology	8	08	3
Histopathology	4		4

3. Examination hall is not yet constructed.
4. Rural and Urban Health Centre are not yet under the Administrative and Financial control of the Dean, GMKMC.
5. 75 KV Generator is not available.
6. Incinerator is not available in the college library.
7. Reading room is not yet available.
8. Bed-side lockers are not available.
9. Intercom facility in the college is not sufficient.
10. Central Photography section is not yet available.
11. There is no hostel for Junior Residents in Hospital campus.
12. Central O₂ Pipeline is not available.
13. Other deficiencies/remarks in the report.
14. There are no residential staff quarters in college campus.
15. Other deficiencies/remarks are in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for increase of seats in 1st year MBBS course from 75 to 100 at Govt. Mohan Kumarmangalam Medical College, Salem.

10. **Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nasik in respect of students being trained at D.Y. Patil Medical College, Kolhapur.**

Read: The compliance verification inspection report (07th July, 2004.) for Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nasik in respect of students being trained at D.Y. Patil Medical College, Kolhapur.

The members of the Ad-hoc Committee and of the Executive Committee of the Council considered the compliance verification inspection report (07th July, 2004) and decided to continue the recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nasik in respect of students being trained at D.Y. Patil Medical College, Kolhapur.

11. **Meeting of the National Committee on Foreign Medical Education and Accreditation(NCFMEA) to be held in Washington on , 16th & 17th Sept., 2004.**

(Deferred Item No. 19 of the Executive Committee meeting held on 2.7.2004)

Read: The letter received from Bonnie L. LeBold, Executive Director, National Committee on foreign, Medical Education and Accreditation inviting President (Acting) and other Official of the office to attend the (NCFMEA) to be held in Washington on 16th & 17th Sept., 2004 alongwith the information furnished by the office to Mr.Rod Paige, Secretary of Education, NCFMEA.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered and deliberated upon the letter received from the Executive Director along with the information furnished by the office to NCFMEA and decided that President (Acting) along with one another person nominated by the President (Acting) should attend the meeting of National Committee on Foreign, Medical Education and Accreditation (NCFMEA) to be held in Washington on 16th & 17th Sept., 2004.

12. **Establishment of Bhaskar Medical college at Yenkapally by Joginapally B.R. Educational Society, Hyderabad.**

Read: The compliance verification inspection report (9th July 2004) for establishment of Bhaskar Medical College at Yenkapallyby Joginapally B.R. Educational Society, Hyderabad.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission

made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt.of India, Ministry of

Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel

appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh

withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.

- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

- 06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.
- 04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above mentioned college to assess the facilities available at the proposed college on 9th of July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July

Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.

(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. Boys Hostel is located at a distance of 200 mts., from the campus in the adjoining compound, which is owned by the Society. Other than cots & mattresses, furniture is not provided in the rooms. Civil construction of 2nd & 3rd floor is in progress
2. Nurses & Girls hostel: Register mentioning the names of the nurses staying in the hostel was not available at the time of the inspection. Furniture like tables chairs cupboards are not provided. There is no recreation room.
3. Resident Hostel: It is located at a distance of 200 mts., from the campus in the adjoining compound. At present 6 residents are staying in the hostel. Register mentioning the names of the Residents staying in the hostel was not available at the time of inspection. Furniture like table, chairs, cupboards are not provided.
4. Civil construction of Residential Quarters for teaching faculties having Eight Flats is in progress in the campus. On the 1st floor civil construction of four quarters is in progress there is no flooring, plastering of the wall light and water supply and toilet facilities. There are no quarters for non-teaching staff.
5. Incinerator is not available.
- 6 (a) In the last inspection carried out by this Council, it was observed to be sad and painful that the college authorities had submitted the declaration forms of those doctors claiming them to the teachers in this college when they had already submitted declaration forms claiming to be the medical teachers in other colleges at the same time. The particulars of such doctors, which are also intimated to the Central Government earlier, are as under:-
 1. Dr. M. Venkatacharyulu – Anaesthesiology
 2. Dr. Girija Kumari – Physiology
 3. Dr. S. Manikandan – Physiology

(b) Now in the current inspection it is noted that The following teachers have been found working at other medical institutions during the inspections carried out by the Medical Council of India for the academic year 200-05.

 1. Dr. A. Shanumugam – Anatomy
- (C) The following professors are not qualified due to lack of adequate teaching experience required as per Council Regulations:-
 1. Dr. C.N. Ramesh - ENT
 2. Dr. Shahajan Khan – Biochemistry
- (d) The following Associate professors are not qualified due to lack of adequate teaching experience required as per Council Regulations:-
 1. Dr. K. Satyanarayan Reddy - Anatomy
- (e) The following Assistant Professors are not qualified due to lack of adequate teaching experience as per Council Regulations :-
 1. Dr. B. Ramakrishna - Anaesthesia
 2. Dr. K. Vishnu – Orthopaedics
 3. Dr. Mirdula Panduri – Lecturer in Biochemistry

(f) The following Senior Residents are not qualified due to lack of adequate teaching experience as per Council Regulations:-

1	Dr. Manjiri Singh	Radiodiagnosis
2	Dr. S.S. Satyanarayana Murthy	Anaesthesiology
3	Dr. Siddheshwar Prasad Gejjela	Anaesthesiology
4	Dr. K. Padmini Devi	Ophthalmology
5	Dr. N.V. Ramchandra Rao	Medicine
6	Dr. Kosa Raj Ramprasad	Medicine
7	Dr. Narsi Reddy Srinivas	Medicine
8	Dr. M. Susheela	Medicine
9	Dr. Venugopal Ragi	Orthopaedics
10	Dr. Shabbeel Ahmed	Paediatrics
11	Dr. C.L. Girish	Surgery
12	Dr. Srinivas Chakravarthy	Surgery
13	Dr. A. Venkateshwar Rao	Surgery
14	Dr. T. Dayal Singh	Surgery

(g) The members of the Executive Committee and of the Adhoc Committee appointed by the Hon'ble Supreme Court, on the one hand were expecting that the college authorities will not repeat such misrepresentation and were obliged to remain cautious with reference to the declaration forms now submitted by the college authorities, claiming the employment of required number of medical teachers in this college. On the verification of some of the declaration forms submitted now, it was once again disappointing to observed that the college authorities have tried to mislead the Council and the Govt. of India when it has been found that the following teachers have not worked in Patna Medical College, Patna & Deccan College of Medical Sciences, Hyderabad for the period as shown in their declaration forms and accordingly they does not posses adequate teaching experience.

1. Dr. T.C. Raghuram – Associate Professor of Biochemistry
2. Dr. K. Satyanarayan Reddy - Anatomy

(h) In view of above the shortage of teaching faculty is more than 5%.

7. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for Establishment of Bhaskar Medical College at Yenkapally by Joginapally B.R. Educational Society, Hyderabad.

13. Establishment of a new Medical college at Bangalore by Moogambigai Charitable & Educational Trust Bangalore.

Read: The compliance verification inspection report (9th July 2004) for establishment of new medical College at Bangalore by Moogambigai Charitable & Educational Trust, Bangalore.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	

<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>
<i>NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July</i>	

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

- “.....8. *Time Schedule for completion of the admission process*
- 8.1 *The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-*
- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
 - ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
 - iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
 - iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
 - v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
 - vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
 - vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*
- 8.2 *In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been*

finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

- 8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*
- 8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.*
- 8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc.

bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

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27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-

alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students

for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college to assess the facilities available at the proposed college on 23rd – 24th December, 2003, 5th – 6th April, 2004 & 7th – 8th July, 04 for renewal of permission for the academic year 2004-05, on 25th and 26th of May, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

**SCHEDULE FOR RECEIPT OF APPLICATIONS FOR
ESTABLISHMENT OF NEW MEDICAL COLLEGES AND
PROCESSING OF THE APPLICATIONS BY THE CENTRAL
GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA**

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road, New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The shortage of teaching staff is as under:-

(a) Faculty 36.5% as under:-

a) Professor :2 (Biochemistry-1, General Medicien-1
b) Associate Professor :7 (Anatomy-1, Physiology-1, Microbiology-1, Pharmacology-1, Paediatrics -1, Anaesthesia-1, Obst. & Gynae. -1)
c) Assistant Professor :3 (Physiology-1, General Medicine-1, General Surgery-1)
d) Tutor : 7 (Anatomy-2, Physiology-1, Biochemistry-2, Forensic Medicine-1, Community Medicine-1,

(b) Resident 60%

a) Sr. Resident : 14
b) Jr. Resident : 11
2. Clinical Material is grossly inadequate as under:

	Daily Average	Day of Inspection
OPD attendance	373.5	161
Bed Occupancy %	40	15
3. Land use conversion to NA is awaited.
4. Medical Superintendent: There is no relieving order from the previous assignment he was holding, no proof of residence and no TDS certificate is available.
5. Civil construction of the college building is in progress.

6. Biochemistry department is located in the basement, which is a temporary make shift arrangement. It is to be located on the IInd Floor of the college building, which is under construction. Common room has to be furnished. AV aids and Acoustics are not in place in the lecture theatres.
7. Dean's Office needs to be properly furnished.
8. Civil work of the library is in progress. There is a reading room for the student with 50 seats.
9. There is no dark room and audio video unit.
10. A girls hostel is under construction. The ground floor which has 24 double seater rooms is nearly ready. The 1st and 2nd floors of the girls hostel building is under construction. The ground floor of the girls hostel is earmarked for the nurses. Construction has just started for the residents' hostel. There is no separate hostel for nurses.
11. The ground floor of the residential quarters is nearing completion.
12. There is over crowding of beds in the wards.
13. Nursing stations are earmarked and yet to be recognized.
14. The side labs are not functioning. The laundry is still not in place.
15. The diagnosis of the patients admitted was vague and majority of them appeared to be of little use for clinical teaching.
16. The demonstration rooms are not adequately furnished. There are no x-ray view box, AV aids provided in the demonstration rooms.
17. Registration and Medical Record is not computerized. ICD classification of diseases is not currently followed.
18. Casualty is located in two rooms far away from each other. There is no central suction, central oxygen and central nitrous oxide is available. There were no patients in either of the casualties and currently both are non-operational. Casualty OT is under completion.
19. Lights are not installed in two OTs. The operation theater lights in one OT were non functional. No water facilities were available in any OT. No OT is currently operational state. There is no central suction, central oxygen and central nitrous oxide. No operation was being conducted either in the major or minor OT.
20. There is no central oxygen and central suction is available in ICU.
21. Labour room is made available but not operational. There was no delivery on the day of the inspection.
22. There were no patients in eclampsia ward.
23. CSSD is not commissioned. It is not in an operational state.
24. Intercom equipment has been procured but not yet installed.
25. There is no dietician. The utensils are not available for the number of people to be catered.
26. Nursing and Para-medical staff are grossly inadequate.

27. No records of the operative work operation theaters are functioning. Deliveries are not conducted.
28. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to disapprove the scheme for Establishment of a new medical college at Bangalore by Moogambigai Charitable & Educational Trust, Bangalore.

14. Establishment of new Medical College Bareilly by Shri Ram Murti Smarak Trust, Bareilly.

Read: The compliance verification inspection report (9th July, 2004) for establishment of new medical college Bareilly by Shri Ram Murti Smarak Trust, Bareilly.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any

student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The

whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

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- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infratructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this

college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making

certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college to assess the facilities available at the proposed college on 8th – 9th June, 2004 & 9th – 10th July, 04. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for	15 th June

	issue of Letter of Permission	
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a med ical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. M.J.P. Rohikhand University has given a letter stating that University agrees in principal to affiliate the college. However, no inspection for

verification has been carried out by the University. The College has not received any affiliation certificate for the current academic year

2. Currently there are no hostel facilities for boys and girls available in the college campus.
3. Accommodation for residents and staff is not available in the campus.
4. There are no residential quarters currently available in the campus.
5. The following faculty are not qualified due to lack of adequate experience:-
6. The shortage of teaching faculty is as under:-

(a) Associate Professor – 2(Microbiology-1, Orthopaedics-1)

7. (a) The college does not have a regular Dean as the person who has been shown as Dean does not possess the requisite teaching and administrative experience required as per Regulations.

(b) The following Professors are not qualified due to lack of adequate teaching experience required as per Council Regulations:-

1. Dr. Kumar Roy – Pharmacology
2. Dr. Nirmal Yadav – Medicine
3. Dr. Mohd. Najmul Hoda – Anatomy
4. Dr. B.C. Ray – Anaesthesia
5. Dr. Ravinder K. Mittal - Biochemistry

(c) The following Associate Professors are not qualified due to lack of adequate teaching experience required as per Council Regulations:-

1. Dr. Jitender Singh – Physiology
2. Dr. S.C. Yadav – Physiology
3. Dr. A.K. Shrivastava – Anatomy

(d) The following Assistant Professors/Demonstrator are not qualified due to lack of adequate teaching experience required as per Council Regulations:-

1. Dr. Somesh Malhotra – Medicine
2. Dr. Naseerudeen – Medicine
3. Dr. Puneet Tyagi – Medicine
4. Dr. Bharat Kumar Kalra - Medicine
5. Dr. Sanjay Mishra – Biochemistry
6. Dr. Sanjay Kumar Nigam – Pathology
7. Dr. Raghuvinder Sharma – Orthopaedics.
8. Dr. Balvinder Singh - Biochemistry

(e) The following teaching faculty cannot be considered as they are above the age of 65 years:-

1. Dr. Santosh Kumar, Prof. & HOD, Deptt. of Medicine
2. Dr. A.K. Wakhlu, Prof. of Surgery.

- (f) The members of the Executive Committee and of the Adhoc Committee appointed by the Hon'ble Supreme Court, on the one hand were expecting that the college authorities will not make any attempt/efforts of misrepresentation and were obliged to remain cautious with reference to the declaration forms now submitted by

the college authorities, claiming the employment of required number of medical teachers in this college. On the verification of some of the declaration forms submitted now, it was disappointing to observed that the college authorities have tried to mislead the Council and the Govt. of India when it has been found that Dr. Prabhakar Seth has given forged information about his Date of Birth. On verification from LLRM Medical College, Meerut it is noted that his actual date of birth is 28.10.1936 instead of 28-10-1940 and thus crossing the age of 65 years. Therefore he cannot be considered as professor and head in the department of Physiology.

- (g) A large no. of Assistant Professors have not provided proof of experience as Resident which is a mandatory requirement as per Council Regulations.
- (h) In view of above, the shortage of teaching faculty is more than 25%.
- 6. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for Establishment of a new medical college Bareilly by Shri Ram Murti Smarak Trust, Bareilly.

15. Establishment of a new medical college, CSI Arogyavaram Instt. of Medical Sciences, Arogyavaram.

Read: The compliance verification inspection report (9th July, 2004) for establishment of new medical college, CSI Arogyavaram Institute of Medical Sciences, Arogyavaram.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- "(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E"*
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be*

a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to

the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all.....

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-

mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR

University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection to assess the facilities available at the proposed college, on 8-9th July, 2003, 23-24th January, 2004, 12-13th April, 2004 & 9th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January

5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: _

1. a) The shortage of teaching faculty is 88.7% as under :-
 - i) Professor -5 (Anatomy -1, Physiology -1, Biochemistry -1, General Medicine -1, General Surgery -1)
 - ii) Assoc. Prof. -14 (Anatomy -2, Physiology -2, Bio-chemistry -1, Pathology -1 Microbiology -1, Pharmacology -1, Forensic Medicine -1, Community Medicine -1, Orthopaedics -1, Obst. & Gynae. -1, Radio-diagnosis -1, Anaesthesiology -1)
 - iii) Asst. Prof. - 15 (Anatomy -3, Physiology -2, Bio-chemistry -1, Pathology -1, General Medicine -2, General Surgery -3, Ophthalmology -1, Radio-diagnosis -1, Anaesthesiology -1, Dentistry -1)
 - iv) Tutor - 20 (Anatomy -3, Physiology -4, Bio-chemistry -2, Pathology -1, Microbiology -1, Pharmacology -1, Forensic Medicine - 1, Community Medicine -1, General Medicine -3, Radio diagnosis -2, Anaesthesia -1)
- b) The shortage of Residents is 89% as under :-
 - i) Sr. Resident 85% (10)(Paediatrics -1, General Surgery -4, Orthopaedics -1, Oto-Rhino-Laryngology -1, Ophthalmology -1, Obst. & Gynae. -2,
 - ii) Jr. Resident 92% (23) (General Resident -7, Paediatrics -2, General Surgery -8, Orthopaedics -2, Oto-Rhino-Laryngology -1, Ophthalmology -1, Obst. & Gynae. -2)
2. The available clinical material is nil in terms of OPD patients, Casualty Laboratory Investigations. The OB & GY dept. had no patients. Orthopaedics Deptt. was also empty. Eight old TB patients were admitted in the Medicine ward. Ophthalmology & ENT wards and OPD were empty. Surgical female ward had 15 TB patients.
3. No faculty members were present from the Department of Anatomy, Physiology, Biochemistry, Pathology, Pharmacology, Forensic Medicine, Community Medicine, Surgery, Ophthalmology, TB& Chest, Paediatrics etc at the time of inspection.
4. All the theatres were locked and no operations were being carried out.
5. On cross checking the two OT registers, it was found that the operations listed in the OT register did not match with those listed in the Main register.
6. There were no surgeries carried in any of the theatres since April 2004.
7. There is a 6 bedded Post Operative Ward which is well equipped but there were no patients. It was found locked.
8. There is no ICCU.

9. There is a part time veterinary surgeon. He was not present on the day of inspection.
10. There is no place for experimental work and is not well maintained.
11. There is no frog pond and there were no other animals.
12. No faculty was present in the Blood Bank.
13. Blood Bank is currently not functional.
14. On inspection, no stored blood was found. No blood is being stored and dispensed for the last 1 to 2 months.
15. There are two small cylindrical, horizontal autoclaves. One of them is non functional. The second autoclave is small for a 300 bedded hospital.
16. There were no cadavers in the Deptt. of Anatomy. The Dissection hall, Histology & Research Laboratory are not equipped as per norms. The museum needs to be upgraded. No catalogues were present in the museum.
17. No food trolley was seen on the day of inspection. No dietician was present on the day of inspection. No cook was present. The kitchen was locked.
18. Paramedical staff is grossly inadequate as under :-

Laboratory Technicians	:	7
Laboratory Assistants	:	9
Laboratory Attendants	:	12
19. Nursing Staff is grossly inadequate as under :-

Nursing Suptd.	:	1
Staff Nurses	:	4
20. Boys hostel is not currently functioning.
21. Girls' hostel dining hall is under construction.
22. Indoor Registration counter is not computerized.
23. No surgeries are done since long.
24. No delivery was done on the day of inspection.
25. No Caesarian Sections done on the day of inspection.
26. No laboratory investigations done on the day of inspection.
27. Capacity of reading room is about 15. Reading for students outside the library is small and congested and not adequately furnished. There was no staff reading room.
28. One small room each is allocated to the paraclinical departments on the first floor of the central library beside the student reading room.
29. There are no Cadavers in the Anatomy Department.
30. There is no separate statistical unit.
31. MRD section is not computerized.
32. There is no ICCU.
33. The construction quality of the college building is poor. There are major cracks in most of the sidewalls of the rooms. The staircase is

unfinished. The flooring is uneven at places. In the Physiology Deptt., flooring is yet to be completed.

34. There is a Mechanized Laundry which is functional.
35. Incinerator was not working.
36. The colour coding of the waste material as per the guidelines of the Govt. of India is not followed. There were no needle destroyers seen in the OPD or wards.
37. Accommodation is inadequate in Boys hostel & Girls hostel.
38. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for establishment of new medical college, CSI Arogyavaram Institute of Medical Sciences, Arogyavaram.

16. KVG Medical College, Sullia- Renewal of permission for admission of 3rd batch of MBBS students for the academic session 2004-2005.

Read: The compliance verification inspection report (9th July 2004.) for renewal of permission of admission of 3rd batch of MBBS students for the academic session 2004-2005 at KVG Medical College, Sullia.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (9th July, 2004) alongwith the previous inspection report (May, 2004) and decided to recommend to the Central Government to renew the permission for admission of 3rd batch of 100 MBBS students for the academic session 2004-05 at KVG Medical College, Sullia.

17. MNR Medical College, Sangareddy – Renewal of permission for admission of 3rd batch of students during 2004-05.

Read: The compliance verification inspection report (10th July 2004.) for renewal of permission of admission of 3rd batch of MBBS students for the academic session 2004-2005 at MNR Medical College, Sangareddy.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	

NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statutes governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to

all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the

academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least

one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by

the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for admission of 3rd Batch of students for the academic year 2004-05, on 9-10 March 2004 , 22nd March 2004, 18-19 June, 2004 and 10th July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9876 & 9877

Date : 5/7/04

To

The Dean/Principal,
MNR Medical College & Hospital
Fasalwadi, Sangareddy
Medak Dist.
Andhra Pradesh

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December

4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.
Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road, New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. a) The following teachers have been found working at other medical institutions during the inspections carried out by the Medical Council of India for the academic year 2004-05:

1. Dr. Kishore Chandra Behera - Community Medicine
2. Dr. S. Mohame Musthafa - Pharmacology

b) The members of the Executive Committee and of the Adhoc Committee appointed by the Hon'ble Supreme Court, on the one hand were expecting that the college authorities will not repeat such misrepresentation and were obliged to remain cautious with reference to the declaration forms now submitted by the college authorities, claiming the employment of required number of medical teachers in this college. On the verification of some of the declaration forms submitted now, it was once again disappointing to observed that the college authorities have tried to mislead the Council and the Govt. of India when it has been found that the following teachers have not worked in Ramachandra Instt. of medical sciences, Chennai as Assistant Professor as shown in their declaration forms and they do not posses adequate teaching experience.

1. Dr. Ramaswamy Murugan -General Medicine
2. Dr. Bhaskar Anand - Community Medicine

c) The following Assistant Professor do not possess adequate teaching experience as per Council Regulations:-

1. Dr. G. Summathi – Anatomy
2. Dr. N. Vishali – Anatomy
3. Dr. Basavray R. Puranik – Medicine
4. Dr. Pushpa Latha Chinnam – Pharmacology
5. Dr. Parmalatha – Obst. & Gynac.

d) In view of above, the shortage of teaching faculty is more than 5%.

2. R. H. T. C. building is on lease for 10 years only and not owned by the college.
3. Residential accommodation for teaching staff is not available in the campus.
4. At present, 40 independent houses which are hired by the college and about 20 kms away from college campus are lying vacant.
5. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew of Permission for admission of 3rd batch of students for the academic year 2004-05 at MNR Medical College, Sangareddy

18. **Navodaya Medical College, Raichur - Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2004-2005.**

Read: The compliance verification inspection report (8th July 2004.) for renewal of permission of admission of 2nd batch of MBBS students for the academic session 2004-2005 at Navodaya.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (8th July , 2004) alongwith the previous inspection report (31st May & 1st June, 2004) and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of 100 MBBS students for the academic session 2004-2005 at Navodaya Medical College, Raichur.

19. **B.J.Medical College, Ahmedabad – Approval of the college for the award of MBBS degree granted by Gujarat University for the increased number of seats i.e. 210 to 250.**

Read: The compliance verification inspection report (7th & 8th July 2004) for approval of the college for the award of MBBS degree granted by Gujarat University for the increased number of seats i.e. 210 to 250 at B.J. Medical College, Ahmedabad.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (7th & 8th July , 2004) alongwith the previous inspection report (March 2003) and decided to recommend to the Central Government to renew the permission for admission of MBBS students against the increase intake from 210 to 250 at B.J. Medical College, Ahmedabad for the academic session 2004-2005.

20. **Establishment of new medical college at Institute of Postgraduate Medical Education & Research, Kolkatta.**

Read: The compliance verification inspection report (9th July, 2004) for establishment of new medical college at Institute of Postgraduate Medical Education & Research Kolkatta.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (9th July , 2004) alongwith the previous inspection report (21st & 22nd May, 2004) and decided to recommend to the Central Government to issue letter of permission for establishment of medical college at Institute of Postgraduate Medical Education & Research, Kolkatta with an annual intake of 100 students for the academic session 2004-2005 u/s 10(A) of the I.M.C. Act, 1956.

21. **C.U.Shah Medical College, Surendranagar – Renewal of permission for admission of 5th batch of students for the academic session 2004-05.**

Read: The compliance verification inspection report (12th July 2004.) and letter dated 11/7/2004 of the Dean of the College for renewal of permission of admission of 5th batch of MBBS students for the academic session 2004-2005 at C.U.Shah Medical College, Surendranagar.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (12th July , 2004) alongwith the letter dt. 11.7.2004 of the Dean, C.U.Shah Medical College, Surendranagar received through the

Central Government and decided to recommend to the Central Government to renew the permission for admission of 5th batch of MBBS students for the academic session 2004-05 at C.U.Shah Medical College, Surendranagar with an annual intake of 50 students.

22. SCB Medical College, Cuttack – Renewal of permission for admission of 2nd batch of students for the academic session 2004-05 against the increase intake i.e. 107 to 150.

Read: The compliance verification inspection report (10th July, 2004) for renewal of permission for admission of 2nd batch of students for the academic session 2004-05 against the increased intake i.e. 107 to 150 at SCB Medical College, Cuttack.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>

Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. *Time Schedule for completion of the admission process*

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing*

- the medical education;*
- ii) *even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.

- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond

30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

- 06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.
- 04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for

permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission of 2nd batch of students against the increased intake i.e. 107-150 at SCB Medical College, Cuttack on 8-9 June 2004 and 10th July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9860 & 9861

Date : 5/7/04

To

The Dean/Principal,
SCB Medical College
Cuttack – 753 007
Orissa

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling

an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infrastructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The shortage of teaching staff is as under:
 - (a) The faculty shortage is 20.0% as under :-
Professors-3 (Forensic Medicine-1, Skin-1, Anaesthesia-1)
Assoc.Professors-21 (Anatomy-1, Physiology-2, Microbiology-2, Pharmacology-1, Forensic Medicine-1, Medicine-1, Paediatrics-4, Psychiatry-1, Surgery-4, Obst. & Gynae-3, Radiology-1)
Asstt.Professors-17 (Anatomy-2, Microbiology-1, Forensic Medicine-1, Social & Preventive Medicine-2, Paediatrics-8, Obst. & Gynae-3.
Tutors-9 (Physiology-1, Paediatrics-5, Obst. & Gynae-4, Radiology-1, General Surgery-2)
2. In Animal House, one Veterinary Officer from the District Veterinary Office visits once in a week.
3. Accommodation for Residents and Nurses are inadequate as under:

Hostel	No.	Rooms	Capacity	Furnished Yes/No	Mess Yes/No
Residents	1	22	44	Yes	Yes
Nurses	2	40+40	40+60	Yes	No
4. The audiometry room is air-conditioned but is not adequately sound proof.
5. The nursing station needs to be improved so that they can have adequate view of the wards. There is overcrowding in the wards.
6. Registration section in the OPDs are not computerized. Indoor registration counter is not computerized and not cross-linked with outdoor registration numbers. Medical record room is also not computerized.

7. Staff in the medical record room is inadequate. They are not trained in medical record technology.
8. ICD X classification of diseases is not followed for indexing. Follow up services are not available.
9. Casualty needs to be equipped with more resuscitation equipment.
10. There is no Microbiology section in the Central Laboratory.
11. No bowl sterilizer, no Glove inspection machine and no instrument washing machine in CSSD. The receiving and distribution points are not separate.
12. In Central laundry, one rolley steam press and one drying chamber are out of order. There is no pressing machine.
13. Kitchen is non-functioning because of Govt. order. Since there is no provision of cooked food only dry food (300 ml Milk, 2 eggs and 200 gms Biscuits) supplied.
14. Nursing staff is inadequate for total 1150 beds as under:-

Nursing Superintendent	0
Deputy Nursing Superintendent	0
Matron	2
Asstt. Nursing Superintendent	2
/Asstt. Matron	
Nursing Sisters	40
Staff Nurses	267
15. Students have not been provided the locker facility.
16. There is no research laboratory in Physiology.
17. The gas cylinders need to be kept away in a separate enclosure in the department of Biochemistry. There is no separate seminar room cum library.
18. The demonstration room does not have adequate number of seats i.e. 75 to 100. Practical laboratory does not have required 90 workplaces (only 40 available.)
19. There is no separate histopathology students laboratory.
20. In Microbiology, there are no separate demonstration rooms. Practical laboratory is share with Pathology. There is no separate library. The museum is share with the Pathology department.
21. In Department of Community Medicine, Statistician is not available.
22. In OTs, TV with Camera attachment is not available.
23. No C-Arm X-Ray machine is available in OT.
24. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew permission of 2nd Batch of students against the increased intake i.e. 107-150 for the academic year 2004-05 at S. C. B. Medical College, Cuttack

23. **Guidelines regarding the use of MOP or Abdominal Towel in Laprotomy and fixation of responsibility about it.**

Read: The matter with regard to use of MOP or Abdominal Towel in Laprotomy and fixation of responsibility about it alongwith the recommendations of the Ethical Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 24th and 25th May, 2004-

“Regarding the queries forwarded by Dr. Rathindra Ghosh, the Ethics Committee feels that the following replies may be given: -

Q-1 *The rules to be followed so that such “accident” of a towel being left behind does not occur.*

Ans - Standards surgical procedures which are laid down in standard text books of Surgery must be followed meticulously to avoid such incidents.

Q-2 *The fixation of medico-legal responsibility for such "accident" is it on the Surgeon or his/her 1st Assistant or on the O.T. Sister or the proprietor of the Nursing Home?"*

Ans - The Operating Surgeon, the 1st Assistant and OT Sister are collectively responsible for such an incident. The Proprietor of the Nursing Home cannot be held responsible unless he/she was also part of the Operating team. "

24. **Complaint Against Dr. Hage Tayo & Dr. Manoj Malik as alleged by Mr. Greesh Dhir.**

Read: The complaint against Dr. Hage Toya & Dr. Manoj Malik as alleged by Mr. Greesh Dhir alongwith the recommendations of the Ethical Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 24th and 25th May, 2004-

"The Ethics Committee noted that this case has already been dealt by Delhi Medical Council and vide letter dated 20.02.2004, they have issued an order wherein Dr. Hage Tayo's name has been removed from the State Medical Register of Delhi Medical Council for a period of 6 weeks.

The Ethics Committee endorsed the decision and thereby recommends to the Executive Committee and General Body of the Council to remove Dr. Hage Tayo's name from the Indian Medical Register during the said period following the procedure laid down in this Council. Secretary, MCI may be requested to do the needful."

The Committee further decided to place the matter before the General Body of the Council at its next meeting for its approval.

25. **Complaint against Medical Director & Ors. of Maharaja Agrasen Hospital, New Delhi as alleged by Mr. Naresh Mehra.**

Read: The complaint against Medical Director & Ors. of Maharaja Agrasen Hospital, New Delhi as alleged by Mr. Naresh Mehra alongwith the recommendations of the Ethical Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 24th and 25th May, 2004-

"The Ethics Committee noted that this case has already been dealt by the Delhi Medical Council and vide their letter No. DMC/14/2/COMP.78/2004/L-9092 dated 5.4.2004 have communicated an order in this regard. Delhi Medical Council has removed the name of Dr. P. Sharma from the Indian Medical Register of Delhi Medical Council for a period of 6 weeks.

The Ethics Committee endorsed the same recommendations to the Executive Committee and General Body of the Council to delete the name of Dr. P. Sharma during the said period from the Indian Medical Register as

per the procedure laid down in this Council. Secretary, MCI may be requested to do the needful."

The Committee further decided to place the matter before the General Body of the Council at its next meeting for its approval.

26. **Mutual Co-operation.**

Read: The letter dt. 2nd June 2004 received from Tang Jianwu, Professor, President of Dalian Medical University, Dalian, P.R. China addressed to President MCI requesting to suggest some area of co-operation to benefit students from India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 2nd June, 2004 received from Professor, Tang Jianwu, President of Dalian Medical University, Dalian, P.R. China requesting to exempt Indian students who complete Medical Course at that college from the screening test and decided that in view of Section 13(4) of the Indian Medical Council Act, 1956 and Screening Test Regulations, 2002, such a request can not be acceded to.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to authorize the President (Acting) to initiate dialogue with the President of Dalian Medical University, China for cooperation to benefit students from India.

27. **Nomination of Members of the Council on DPC for confirmation of Sh. Anupam Dhua, Computer Programmer of the Council.**

Read: To nominate two members of the Council on DPC for confirmation of Sh. Anupam Dhua, Computer Programmer of the Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council authorized the President (Acting) to nominate two members of the Council on DPC for confirmation of Sh. Anupam Dhua, Computer Programmer of the Council.

28. **Kurnool Medical College, Kurnool – renewal of permission for admission of students against the increased intake i.e. 130-150.**

Read: The compliance verification inspection report (12th July 2004) for renewal of permission for admission of students for the academic session 2004-05 against the increased intake i.e. 130 to 150 at Kurnool Medical College, Kurnool.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”
- (6A) There shall be no admission of students in respect of any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>
<i>Declaration of Result of Qualifying Exam./ Entrance Exam.</i>	<i>By 5th June</i>	<i>By 15th June</i>
<i>1st round of counselling/ admission</i>	<i>To be over by 30th June</i>	<i>To be over by 25th July</i>
<i>Last date for joining the allotted College and Course</i>	<i>Within 15 days from the date of allotment of seat @@</i>	<i>31st July</i>
<i>2nd round of counselling for allotment of seats from Waiting List</i>	<i>To be over by 8th August</i>	<i>Upto 28th August</i>
<i>Last date for joining for candidates allotted seats in 2nd of counselling from the Waiting List</i>	<i>Within 15 days from the date of allotment of seat (Seats vacant after 22nd August will be surrendered back to the States/ Colleges)</i>	<i>31st August</i>
<i>Commencement of academic session</i>	<i>1st of August</i>	
<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>	

NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to

all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc.

bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-

alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the

norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for increased intake i.e. 130 to 150 renewal of permission for the academic year 2004-05, on 19-20th April, 2004 and 12th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9842 & 9843

Date : 5/7/04

To

The Dean/Principal,
Kurnool Medical College,
Kurnool -518002 (AP)

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December

4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To
The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such

recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. a) Shortage of teaching faculty is more than 20% (i.e. 51 out of 238) as under:-
 - i) Professor – 2 (Bio-chemistry –1, Paediatrics –1)
 - ii) Assoc. Prof. – 11 (Anatomy –2, Physiology –2, Community Medicine – 1, T.B. & Chest–1, Orthopaedics –2, Radio-diagnosis – 2, Dentistry –1)
 - iii) Asstt. Prof. – 15 (Anatomy –1, Biophysics-1, Pathology –1, Pharmacology –1, Comm. Medicine –2, Epidemiologist –1, General Medicine –2, Gen. Surgery –3, Orthopaedics –1, Radio-Diagnosis – 1, Anaesthesiology –1)
 - iv) Tutor – 23 (Anatomy –1 , Physiology –4, Pathology –6, Pharmacology –2, Radio diagnosis –4, Anaesthesia-6)
- b) The shortage of residents is more than 25% (i.e. 27 out of 106) as under:-
 - i) Sr. Resident – 16 (Medicine –6, Paediatrics –1, Surgery-6, Orthopaedics –2, OBG –1)
 - ii) Jr. Resident – 11 (Psychiatry –3, Orthopaedics –8)
2. Clinical material is inadequate in terms of OPD attendance, which is average less.
3. Veterinary Officer is a part time basis.
4. Central library – Total numbers of books are 4350 against the requirement of 10000. Total numbers of journals subscribed are 12 Indian against the requirement of 70. No Journal for 2003 has been received yet. The staff is not adequate.
5. Central Photography – Cum – Audio Visual units are not available. photographer post is vacant.
6. Health Centres :- The senior faculty from the department is posted in rotation. No accommodation facilities are available for interns in the RHTC. The audiovisual aids have been brought by the PSM department for teaching facilities at the time of the visit. No beds are available for admission.
7. Boys & Girls Hostel available capacity 575 against 750 required interns hostel capacity 120 against 150, resident hostel capacity 200 against 300.

Accommodation in students, interns & residents hostel is inadequate.
8. No residential quarters are available for any of the category of the staff within the campus.
9. Waiting area in OPD – shades and seating arrangements under construction. Admission registrations & OP registration are manual.

10. No microbiology service lab is available in the hospital. There is no Elisa Reader in the Microbiology department. Numbers of laboratory investigations done are much less as compared to the OP statistics.
11. There is one blood bank available in the hospital, which is under the control of an Assistant Surgeon with one month blood bank training only. The license of blood bank expired three years back and to be renewed and the matter is under correspondence.
12. Anatomy- there is no cooling cabinet in the department storage tank deficiency.
The shortage tank is located in a old dilapidated building which is very badly maintained. No students locker is available.
13. Physiology – There is no research laboratory.
14. Pathology Deptt, there is no facility for running water for doing staining process and experiments. There is no separate room/couch is available for FNAC. Haematology and histopathology labs are in the same hall. There is no chairs in the demonstration room.
15. There is no service lab of Microbiology in the hospital. Practical laboratory needs up gradation.
16. Forensic Medicine – There is no student laboratory.
17. Space for experimental pharmacology is in adequate as per the norms.
18. Only tables are provided in the examination hall.
19. Other deficiencies/remarks in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for admission of students for the students for the academic session 2004-05 against the increased intake i.e. 130 to 150 at Kurnool Medical College, Kurnool.

29. S.V. Medical College, Tirupati – renewal of permission for admission of students against the increased intake i.e. 100-150.

Read: The compliance verification inspection report (10th July 2004) for renewal of permission for admission of students for the academic session 2004-05 against the increased intake i.e. 100 to 150 at S.V. Medical College, Tirupati.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	

NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to

all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the

academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least

one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by

the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical

College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for admission of students against the increased intake i.e. 100-150 at S. V. Medical College, Tirupathi on 15-16 April 2004 and 10th July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9846 & 9847

Date : 5/7/04

To

The Dean/Principal,
S. V. Medical College,
Tirupathi – 517507, Chittoor Dist.
Andhra Pradesh

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant

of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the

recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for	28 th February

	Letter of Permission	
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To
The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. a) Shortage of teaching faculty is more than 20% as under :-
 - i) Prof. – 1 (Dentistry –1)
 - ii) Assoc. Prof. – 23 (Anatomy –2, Physiology –4, Biochemistry –1, Microbiology –2, Pharmacology –2, Forensic Medicine –2, Orthopaedic –2, ENT –1, Anaesthesia –2, Radio-diagnosis –3, Dentistry –1, TB & Chest-1)
 - iii) Asstt. Prof. - 29 (Anatomy –2, Pharmacology –2, Comm. Medicine –2, General medicine –6, Paediatrics –2, Psychiatry –1, General Surgery –3, Pharmaceutical Chemist-1, Epidem-cum-lecturer – Community Medicine –1, Statistician – Comm. Medicine –1, Anaesthesia -3, Radio-diagnosis-3, Dentistry-1)
 - iv) Tutor – 9 (Physiology –1, Biochemistry –1, Pharmacology –2, Microbiology –1, Anaesthesia –3, Radio-diagnosis –1)
- b) Shortage of residents
 - i) Jr. Resident – 8 (Dermatology-2, Surgery-4, Orthopaedic –2)
 - ii) Sr. Resident - 9 (Orthopaedics-2, Surgery-6, TB & Chest -1)

2. Clinical material is grossly inadequate for 150 admissions as under :-

2. Clinical material is grossly inadequate for 100 admissions as under :

	Daily	Average	Day of Inspection	
O.P.D. attendance	570.5		570	
Casualty attendance	72.1		52	
Bed occupancy%	87.5%		98%	
<u>Operative work</u>				
Number of major surgical operations	10.3		5	
Number of minor surgical operations	4.6		-	
Number of normal deliveries	20		21	
Number of caesarian Sections	5		5	
<u>Radiological Investigations</u>				
X-ray	112.3		OP	IP
Ultrasonography	18.8		50	60
Special Investigations	2.8		13	9
C.T. Scan	-		4	1
			-	-
<u>Laboratory Investigations</u>				
Biochemistry	39.3		OP	IP
Microbiology	9.1		80	141
Serology	7.5		5	10
Parasitology	-		19	14
Haematology	146-271.6		5	12
Histopathology	0-11.3		151	190
Cytopathology	10.5		5	10
Others	17.1		6	4
			-	-

3. The shortage of teaching beds is 158 as under :-

	Required	Available	Shortage
General Medicine	180	138	42
Paediatrics	90	60	30
General Surgery	180	162	18
Ophthalmology	60	40	20
ENT	30	20	10
Obst. & Gynae.	120	82	38
Total	660	502	158

4. Currently used examination hall has a capacity of 175.
5. The library subscribes to 60 Indian and 25 foreign (Total 85) Journals, which is inadequate.
6. A total of 489 students accommodation available, which is inadequate as per norms.
7. Hostel accommodation is not provided for unmarried staff nurses.
8. A common P.G. hostel and interns hostel available having 48 rooms, which is inadequate. Accommodation for female P.G. is not available.
9. One common room is available for boys and girls in the college building accommodating 50 students at a time. Toilet facilities are not attached.
10. One old auditorium available, which has been no fixed furniture.
11. All cubicles in OPDs are not equipped with x-ray view box and adequate furniture.
12. No proper nursing stations are available in the wards.
13. Intensive care units are not having central oxygen and suction line. The emergency equipments are shared between acute medical care unit and surgical care unit.
14. OPD Registration is done manually at three counters. A qualified MRO is not available.
15. There is no Central Oxygen and Suction line available.
16. No needle destroyer available. No other laboratories were functional in the evening.
17. The maintenance of the records is not proper.
18. BARC safety measures/Dosimeters are not available on the day of inspection. The BARC clearance certificate is also not available.
19. CT Scan not yet install.
20. New canteen is yet to be commissioned.
21. No incinerator available.
22. Nursing staff is grossly inadequate as under:-
Nursing Superintendent Gr.1 - 1;
Nursing Superintendent Gr.II- 2,
Head Nurses –26,
Staff Nurse-164.
23. Museum in Microbiology Department is yet to be improved.
24. Other deficiencies/remarks in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew permission for admission of students against the increased intake i.e. 100-150 at S. V. Medical College, Tirupathi.

30. Rangaraya Medical College, Kakinada – renewal of permission for admission of students against the increased intake i.e. 100-150.

Read: The compliance verification inspection report (13th July 2004) for renewal of permission for admission of students for the academic session 2004-05 against the increased intake i.e. 100 to 150 at Rangarya Medical College, Kakinada.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (13th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary, Ministry of Health & FW and decided to recommend to the Central Government to renew the permission for admission of 6th batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic session 2004-05 at Rangaraya Medical College, Kakinada .

The Members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee decided that the Central Govt. may sort out the pending issue of illegal admissions made by the college during the year 2002-03 with the State Govt.

31. **Kakatiya Medical College, Warangal – renewal of permission for admission of students against the increased intake i.e. 100-150.**

Read: The compliance verification inspection report (12th July 2004) for renewal of permission for admission of students for the academic session 2004-05 against the increased intake i.e. 100 to 150 at Kakatiya Medical College, Warangal.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>

Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. *Time Schedule for completion of the admission process*

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing*

- the medical education;*
- ii) *even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.

- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond

30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

- 06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.
- 04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for renewal of permission for admission of students against the increased intake i.e. 100-150 on 22-23 April 2004 and 12th July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9844 & 9845

Date : 5/7/04

To
The Dean/Principal,
Kakatiya Medical College
Warangal – 506 007
Andhra Pradesh

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,
Sd/-

Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling

an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road, New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1.
 - a) Shortage of teaching faculty is more than 20% (i.e. 55 out of 238) as under :-
 - i) Prof. – 5 (Dermatology –1, Psychiatry– 1 & T.B. & Chest –1 and Obst. & Gynae-2)
 - ii) Assoc. Prof. – 10 (Physiology–1, Pathology –2, Pharmacology –2, T.B. & Chest –1, Dermatology-1, Dentistry –1, Microbiology –2)
 - iii) Asstt. Prof. – 13 (Anatomy–1, Pharmacology-1, Community Medicine-3, Medicine-3, Paediatrics-2, Radiodiagnosis-3)
 - iv) Tutors – 14 (Biochemistry-1, Pathology –7, Microbiology –1, Community Medicine-1, Anatomy-1, Radio-diagnosis-2, Dentistry-1)
 - b) The shortage of Residents is as under:-
 - i) Sr. Resident – 9 (Medicine-2, Dermatology-1, Psychiatry-1, Surgery-5)
 - ii) Jr. Resident –31 (Medicine-7, Paediatrics-9, Dermatology-3, Psychiatry-2, Surgery-3, Orthopaedics-1, Anaesthesia-4, Radiodiagnosis-2)
2. Clinical material is inadequate in terms of surgical worth and Laboratory investigations as under :-

	Daily Average	Day of Inspection
Biochemistry	242	291
Microbiology	15	12
Serology	8	9
Parasitology	-	-
Haematology	2	6
Histopathology	12	6
Cytopathology	4	6

3. Wards are congested and the space between the beds is still inadequate.
4. Total nursing staff is 255, which is inadequate.
5. 2 vertical sterilizers available but not installed and no other equipment is available. the equipment in CSSD is grossly inadequate. There is no separate receiving and distribution points.
6. The Maternity hospital is still in a bad shape and over crowded. There is no proper kitchen, only milk and break are served for patients.
7. There are 14 foreign journals and 53 Indian journals total 67 available against 100 required.
8. Veterinary surgeon is not available.
9. 14 independent houses, 28 double bedded flats, 24 single bedded flats available for both teaching & non teaching staff which is inadequate.
10. 14 foreign journals + 29 Indian journals are available against 30 and 70 respectively required.
11. Other deficiencies/remarks in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew permission for admission of students against the increase intake i.e. 100-150 for the academic year 2004-05 at Kakatiya Medical College, Warangal

32. Indira Gandhi Medical College, Nagpur – renewal of permission for admission of students against the increased intake i.e. 60-100.

Read: The compliance verification inspection report (10th July 2004) for renewal of permission for admission of students for the academic session 2004-05 against the increased intake i.e. 60 to 100 at Indira Gandhi Medical College, Nagpur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (13th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary, Ministry of Health & FW and decided to recommend to the Central Government to renew the permission for admission of fresh batch of MBBS students against the increased intake i.e. from 60 to 100 for the academic session 2004-05 at Indira Gandhi Medical College, Nagpur.

33. North Bengal Medical College, Darjeeling – Renewal of permission for admission of 4th batch of students against the increased intake i.e. 50 to 100.

Read: The compliance verification inspection report (13th July 2004) for renewal of permission for admission of 4th batch of students for the academic session 2004-05 against the increased intake i.e. 50 to 100 at North Bengal Medical College, Darjeeling.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (13th & 14th July, 2004) alongwith the previous inspection report (June, 2004) and decided to recommend to the Central Government to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 50 to 100 for the academic session 2004-05 at North Bengal Medical College, Darjeeling.

34. Pt. B.D.Sharma PGIMS, Rohtak – Renewal of permission for admission of 5th batch of students against the increased intake i.e. 115 to 150

Read: The compliance verification inspection report (14th July 2004) for renewal of permission for admission of 5th batch of students for the academic session 2004-05 against the increased intake i.e. 115 to 150 at Pt. B.D.Sharma PGIMS Rohtak.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (14th July, 2004) alongwith letter dated 15.7.2004 received from the Director, Pt. B.D. Sharma PGIMS, Rohtak and decided to recommend to the Central Government to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 115 to 150 for the academic session 2004-05 at Pt. B.D.Sharma PGIMS, Rohtak.

35. Sikkim Manipal Instt. of Medical Sciences, Gangtok – renewal of permission for admission of students for the academic session 2004-2005.

Read: The compliance verification inspection report (12th July 2004.) for renewal of permission for admission of MBBS students for the academic session 2004-2005 at Sikkim Manipal Instt. of Medical Sciences, Gangtok.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission

made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt.of India, Ministry of

Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the

Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

“..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases.....”

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

“.....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all.....

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage,

we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infratructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the

Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on

pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for renewal of permission for the academic year 2004-05, on 22-23rd April, 2004 & 12th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9854 & 9855

Date : 5/7/04

To

The Dean/Principal,
Sikkim Manipal Instt. of Medical Sciences,
5th Mile, Tadong, Gantok,
Sikkim-737 102

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such

recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,
Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

**SCHEDULE FOR RECEIPT OF APPLICATIONS FOR
ESTABLISHMENT OF NEW MEDICAL COLLEGES AND
PROCESSING OF THE APPLICATIONS BY THE CENTRAL
GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA**

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and		

admissions shall not be made without prior approval of the Central Government.

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The overall shortage of teaching faculty is 32.5% (i.e. 40 out of 123).

a) Professor	:	5 (Anatomy-1, Paediatrics-1, Orthopadiatics-1, ENT-1, Ophthalmology-1)
Associate Professor		9 (Anatomy-2, Pathology-1, Forensic Medicine-1, General Medicine-2, General Surgery-1, Radiodiagnosis-1, Dentistry-1)
Asst. Professor		8 (Anatomy-1, Pathology-2, Forensic Medicine-1, General Medicine – 1, General Surgery-1, Orthopaedics-1)

Tutor 20 (Anatomy-1, Biochemistry-1, Pathology-5, Microbiology-1, Pharmacology-2, Forensic Medicine-2, Community Medicine-3, Radiodiagnosis-3, Anaesthesia-1)

b) Shortage of Residents is as under :-

Sr. Residents 14 (General Medicine-4, TB & Chest-1, Dermatology-1, Psychiatry-1, Paediatrics-2, General Surgery-3, Orthopaedics-2)

Jr. Residents 25 (General Medicine – 5, TB & Chest-1, Dermatology-1, Psychiatry-3, General Surgery-7, Orthopaedics-3, Ophthalmology-4, OBG – 4)

2. Clinical material is still grossly inadequate as under :-

	Daily Average	Day of Inspection
	CRH	CRH
O.P.D. attendance	137.4	182
Casualty attendance	6.6	0
Bed occupancy%	27	21.6
<u>Operative work</u>		
Number of major surgical operations	1.6	0
Number of minor surgical operations	0.5	1
Number of normal deliveries	0.4	0
Number of caesarian Sections	0.3	0
<u>Radiological Investigations</u>		
X-ray	20.6	14
Ultrasonography	11	7
Special Investigations	0.6	0
C.T. Scan	2.2	2
<u>Laboratory Investigations</u>		
Biochemistry	84.6	110
Microbiology	6.6	4
Serology	9.6	1
Parasitology	3.8	0
Haematology	93.4	29
Histopathology	1.4	0
Cytopathology	1	0

- 12 consultants from SMIMS presented for inspection. They have been given honorary designations as teachers. These consultants are full time employees of the STNM Dist., Hospital,. Gangtok which is under the control of the Directorate of Health Services, Sikkim. These doctors have been given an honorary teaching. These doctors belong to a non-teaching category. These doctors are solely looking after the entire Medicare of the patients and their management in the Dist. Hospital. The doctors from the SMIMS do not provide patient care to STNM Dist. Hospital. The students of the medical college when posted to the hospital are taught by these designated honorary teachers.
- The linkages between the college and the District hospital are not clear and well defined in terms of the beds, units, participation of medical college faculty in patient care system and also lack of effective participation of the Dist. hospital Medical Officer in teaching and training of the students. These anomalies need to be urgently corrected for its smooth and effective undergraduate clinical training. The beds, patients and patient care in the STNM Govt. hospital is totally under the control of the Director cum MS of the hospital. The staff of SMIMS are not involved

in patient care of any kind in the STNM district hospital. No separate beds, units or space is allocated to the doctors of the SMIMS for teaching or any other activity in this Govt. Hospital. The doctors of the STNM Govt. Hospital do not participate in any of the activities of the CR Hospital of SMIMS. This appears to in contrast with the MOU and other circulars appended. The status thus remains the same.

5. STNM Hospital is owned by the State Govt. OPD runs 4 days a week for Obst. & Gynae. and on every alternative day for Surgery. No teaching area is provided. There is no separate injection room for male and female patients. No audiometry room is available. The position still remains the same in all respects. It is remarked that in the previous inspection report of April 22nd and 23rd 2004 on page 11, section Teaching and other facilities of STNM hospital mention these facts very clearly.
6. The teaching hospital owned by the college i.e. C.R. Hospital has only 239 teaching beds against the requirement of 450 beds.
7. 16 two seater rooms and 2 four seater rooms and 1 single seater room are available on the 8th floor for the residents thus creating accommodation for 41 residents, which is inadequate against the requirement of 100. 32 two seater rooms and 5 four seater rooms are available on the 9th Floor for the nurses thus creating an accommodation for 84 staff nurses, which is inadequate.
8. There is a common ICU with 10 beds out of which 2 are separately marked for CCU, 2 for PICU and 6 for Medical ICU.
9. No dietician is still available.
10. The paramedical staff inadequate, which is as under :-

Laboratory Technicians	:	35
(including Jr. Tech. & Tech. Asstt.)		
Laboratory Assistants	:	10
Laboratory Attendants	:	-

11. The wards are small and without much circulation space. Wards do not have doctors duty room. There is no teaching area and side laboratory in the wards. There is no seminar hall in the departments. The position in all respects still remains the same.
12. Registration and Medical Record Section is not computerized in the STNM Hospital. The position in this respect still remains the same.
13. Central Casualty Service : Total 8 beds are available in casualty area against requirement of 20 beds. No Central Oxygen supply or Central Suction is available.
14. In the Clinical Laboratories, no cell counter is available.
15. The UHC and the PHC are under the administrative and financial control of Sikkim Govt. as per the MoU with the Sikkim Govt. Position is status quo.
16. There is no speech and hearing therapist in either of the hospital.

17. The UHC and the PHC are under the Administrative and Financial control of Sikkim Govt. as per the MOU with the Govt. of Sikkim. The college will utilize the services for the purpose of training the students.

18. Nursing staff is still inadequate as under:-

Nursing Superintendent –	1
Deputy Nursing Suptd. –	1
Matron	-Nil
Asstt. Nursing Suptd.	-1
Nursing Sisters	-10
Staff Nurses	-97

19. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for admission of students for the 4th batch of students for the academic year 2004-05 at Sikkim Manipal Instt. of Medical Sciences, Sikkim.

36. Dr. Rajendra Prasad Medical College, Tanda – renewal of permission for admission of students for the academic session 2004-2005.

Read: The compliance verification inspection report (12th July 2004.) for renewal of permission for admission of MBBS students for the academic session 2004-2005 at Dr. Rajendra Prasad Medical College, Tanda.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (12th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary, Ministry of Health & FW and decided to recommend to the Central Government to renew the permission for admission of 6th batch of 50 MBBS students for the academic session 2004-05 at Rajendra Medical College, Tanda .

37. Establishment of Shadan Instt.of Medical Sciences, Teaching Hospital & Research Centre by Shadan Education Society, Hyderabad.

Read: The compliance verification inspection report (9th July, 2004) for establishment of Shadan Instt. of Medical Sciences, Teaching Hospital & Research Centre by Shadan Education Society, Hyderabad..

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following: -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental

Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the

last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar

(Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and

certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under :-

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections to assess the facilities available at the proposed college, on 26th & 27th December, 2003, 12-13th April, 2004, 17-18th June, 2004 & 13th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under :-

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February

6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To
The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road, New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

- 1.a) (i) In the last inspection carried out by this Council, it was observed to be sad and painful that the college authorities had submitted the declaration forms of those doctors claiming them to be the teachers in this college when they had already submitted declaration forms claiming to be the medical teachers in other colleges at the same time. The particulars of such doctors, which are also intimated to the Central Government earlier, are as under:-

Name	Subject	Name of the College
Dr. B. Bhagyalakshmi	Anatomy	Kakatiya Medical College
Dr. P. Lingam	Biochemistry	Yenepoya Medical College, Pune
Dr. Patvardhan Savita	Anatomy	Dr. DY Patil Medical College, Pune
Dr. Minakshi Devi	OBG	SVS Medical College, Mahboob Nagar
Dr. K. Krishna Murthy	Physiology	Alluri Sitaram Raju Medical College, Elluru GSL Medical College, Rajamundry
Dr. Shaik Abdul Rahim	Radiology	Chalmeda Instt. of Medical Sciences, Karimnagar.

- (ii) The members of the Executive Committee and the Adhoc Committee appointed by the Hon'ble Supreme Court, on the one hand were expecting that the college authorities will not repeat such misrepresentation and were obliged to remain cautious with reference to claiming the employment of required number of medical teachers in this college. On the verification of some of the declaration forms submitted now, it was once again disappointing that the college authorities have again submitted declaration forms of teachers who have been found to be employed at more than one college or shown themselves for inspection for the academic year 2004-05 as under:-

1. Dr. B. Bhagyalakshmi - Anatomy
 2. Dr. D. Raja Rao - Biochemistry
 3. Dr. R. Chandra Shekhar Reddy - Biochemistry]
 4. Dr. K. Anki Reddy - Pharmacology
 5. Dr. Srividya Narayanan - Surgery
 6. Dr. R.V. Subhakar, Professor of Anatomy
 7. Dr. Feroz Khan, Associate Professor of Anatomy
- b) The following Professors are not qualified due to lack of adequate teaching experience required as per Council regulations.
1. Dr. D. Raja Rao - Biochemistry
- c) The following Associate Professor is not qualified due to lack of adequate teaching experience required as per Council Regulations.
1. Dr. C. Satyavati - Biochemistry
- d) The following Assistant Professors/Lecturer are not qualified due to lack of adequate teaching experience or not possessing degree required as per Council regulations:-

1. Dr. P. Feroz Khan - Anatomy
2. Dr. S. Prem Kumar - Anatomy
3. Dr. G. Ziomek - Pediatrics
4. Dr. Tasmin Rehana - Biochemistry (Degree of M.Sc. & Ph.D. from Science Faculty)
5. Dr. Mohd. Azamoodin - Orthopaedics
6. Dr. Mohd. Zamiruddin - Anaesthesiology

e) The following Senior Residents/Tutor/Demonstrator are not qualified due to lack of adequate experience and/or joined the institute just before inspection:-

- | | | |
|----|-------------------------|----------|
| 1. | Dr. Kiran Chandra Patro | Medicine |
| 2 | Dr. E. Meher Gautam | Medicine |

f) In view of above, shortage of teaching faculty is more than 25%.

2. On the Third Floor of the Hospital, there are eight big halls having total accommodation for 96 Nurses. (These arrangements are dormitory type. Four rooms are having eight accommodation in each other four rooms are having 16 accommodation in each).

3. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for establishment of new medical college at Shadan Institute of Medical Sciences, Hyderabad.

38. Establishment of Konaseema Instt. of Medical Sciences, Amalapuram by Mother Theresa Educational Society, Hyderabad.

Read: The compliance verification inspection report (12th July, 2004) for establishment of Konaseema Instt. of Medical Sciences, Amalapuram by Mother Theresa Educational Society, Hyderabad.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following :-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- "(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E"*
- (6A) *There shall be no admission of students in respect of any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*

- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003

conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a

direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection to assess the facilities at the proposed medical college on 3-4 March 2004, 15-16 June 2004 and 12th July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year

2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to

forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The shortage of teaching staff is as under

a) The shortage of teaching faculty is as under :-

Professor	1 (Paediatrics)
Assoc. Professor	1 (Biochemistry)

b) One Associate Professor is non-medical D. Sc. from Colombo. He is not having any undergraduate teaching experience.

c) The following Professors are not qualified due to lack of adequate teaching experience required as per Council norms:-

1. Dr. Pandula Revathi – OBG

d) The following Associate Professors are not qualified due to lack of adequate teaching experience as per Council norms :-

1. Dr. K.J. Goswami - Biochemistry
2. Dr. M.K. Reddy – Physiology
3. Dr. G. Prabhakar – ENT
4. Dr. Venkateshwara Rao – Surgery
5. Dr. Nagendra Nath Mishra – Pathology

e) The following Assistant Professors/Lecturer are not qualified due to lack of adequate teaching experience as per Council norms :-

1. Dr. VSNA Prabodh - Biochemistry
2. Dr. M. Venkateshwaralu - Biochemistry
3. Dr. KV Raman - Radio-diagnosis
4. Dr. GSV Rama Rao – ENT
5. Dr. G.N. Ravi Parakash – Microbiology
6. Dr. Vishnu Murti - Surgery

f) The members of the Executive Committee and the Adhoc Committee appointed by the Hon'ble Supreme Court, on the one hand were expecting that the college authorities will not make any attempt at misrepresentation and were obliged to remain cautious with reference to the declaration forms now submitted by the college authorities, claiming the employment of required number of medical teachers in this college. On the verification of some of the declaration forms submitted now, it was once again disappointing when it has been found that the following teachers have not worked in Ramchandra Instt. of Medical Sciences, Chennai as shown in the Declaration Forms and they do not have adequate teaching experience :-

1. Dr. G. Ramesh - Anatomy
2. Dr. C. Sateesh - Anatomy
3. Dr. N. Neelambigai - Physiology
4. Dr. Raseeda Sultan - Physiology

Regarding Dr. V. Madhusudhan Rao, Assistant Professor of Physiology, the Registrar of Sri Ramchandra Medical College, Chennai has intimated that he is still working at their institute.

g) In view of the above, the shortage of teaching faculty is more than 25%.

h) The following Senior Residents/Tutor/Demonstrator are not qualified due to lack of adequate experience:-

1. Dr. Manomani - Biochemistry

2. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for establishment of new Medical College at Konaseema Instt. of Medical Sciences, Amalapuram.

39. Establishment of Warangal Instt. of Medical Sciences, Warangal by Medicare Educational Trust, Warangal.

Read: The compliance verification inspection report (12th July, 2004) for establishment of Warangal Instt. of Medical Sciences, Warangal by Medicare Educational Trust, Warangal.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2. In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any

medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI

on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I

am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections to assess the facilities available at the proposed college, on June, 2003, 6th September, 2003, Jan, 2004, 8th & 9th June, 2004 & 12th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of	15 th March

	Letter of Permission	
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To
The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. Shortage of teaching faculty is as under:-

a) The shortage of teaching faculty is as under:-

i) Assoc. Prof. – 1 (Physiology –1)

- b) (i) In the last inspection carried out by this Council, it was observed to be sad and painful that the college authorities had submitted the declaration forms of those doctors claiming them to be the teachers in this college when they had already submitted declaration forms claiming to be the medical teachers in other colleges at the same time. The particulars of such doctors, which are also intimated to the Central Government earlier, are as under:-

Name	Department
Dr. Nuthakki Pushpa Raju	Medicine
Dr. Pulli Nanda Kishore	Pathology
Dr. Esther Mary	Physiology
Dr. Aruna Thangavelu	Pharmacology

- (ii) Now in the current inspection it is found that the following teachers have been found working at other medical institutions during the inspections carried out by the Medical Council of India for the academic year 2004-05:-

1. Dr. G. Gangadhara Swami – Assistant Professor of Forensic Medicine
2. Dr. B. Venkataramna – Assistant Professor of Medicine
3. Dr. T. Ganesh - Assistant Professor of Physiology

- c) The following professors are not qualified due to lack of adequate teaching experience required as per Council regulations.

1. Dr. Shrinivas Kancheela - Biochemistry (degree from Science faculty)
2. Dr. V. Roma – OBG
3. Dr. M. Bhatt - Microbiology

- d) The following Associate Professor is not qualified due to lack of qualifications required as per Council regulations:-

1. Dr. G. Nagamurthy - Biochemistry (degree from Science faculty)

- e) The following Assistant Professors are not qualified due to lack of adequate teaching experience required as per Council Regulations.

1. Dr. V. Sunanda – Biochemistry
2. Dr. Raja Ram Reddy – Surgery
3. Dr. S.V. Reddy - Surgery
4. Dr. V.V. Reddy – Surgery
5. Dr. V. Jayanarayan - Ophthalmology
6. Dr. P. Shyamsunder – Ophthalmology
7. Dr. K. Radhika – OBG
8. Dr. V. Hema – OBG
9. Dr. Srineni Yamuna – OBG
10. Dr. A. V. S. S. Subramaniya Kumar – Anaesthesia
11. Dr. B. Venkataramanna – Medicine

12. Dr. P. Daserathan – Medicine
13. Dr. Chittbabu Rao – Medicine
14. Dr. K. Thirupathi Reddy – Paediatrics
15. Dr. Dr. T. Shridhar – Radiodiagnosis
16. Dr. Dr. Chamiti Gopala Kishanaiah – Comm. Medicine
17. Dr. K. Surender Reddy – Dental Surgery
18. Dr. G. Gangadhara Swamy – For. Medicine
19. Dr. K. Prabhu – Anatomy
20. Dr. V. Kanagasabai – Physiology
21. Dr. P. Kantikeyan - Physiology
22. Dr. Nirmal Kumar Pasila - ENT

- f) The members of the Executive Committee and of the Adhoc Committee appointed by the Hon'ble Supreme Court, on the one hand were expecting that the college authorities will not repeat such misrepresentation and were obliged to remain cautious with reference to the declaration forms now submitted by the college authorities, claiming the employment of required number of medical teachers in this college. On the verification of some of the declaration forms submitted now, it was once again disappointing to observed that the college authorities have tried to mislead the Council and the Govt. of India when it has been found that as per information obtained from Sri Ram Chandra Medical College, Chennai & Mamata Medical College, Khammam, the following teachers have not worked there although these teachers have claimed in their declaration forms to have worked at that college:-

1. Dr. Sayeed Tambin Hussain ,Assoc. Prof. of Pathology
2. Dr. Aruna Shanmugam, Assoc. Prof. of Anatomy
3. Dr. M. Krishnan, Assoc. Prof. of Anatomy
4. Dr. K. Latha, Assistant Prof., Deptt. of Anatomy

- (g) In view of above, shortage of teaching faculty is more than 25%.

- (h) 35 teachers have not provided acceptable proof of residence.

2. Clinical material is inadequate in terms of Surgical work and Laboratory investigations as under:-

	Daily	Average	Day of Inspection	
<u>Operative work</u>				
Number of major surgical operations		3		1
Number of minor surgical operations		3		1
<u>Laboratory Investigations</u>				
Biochemistry	144	21	152	29
Microbiology	53	19	63	19
Serology				
Parasitology				
Haematology	213	34	271	39
Histopathology		05	-	-
Cytopathology		05	-	-
Pathology	149	17	291	28
Others				

3. As per the statement given by the Principal of the college, average daily OPD attendance is 675 and bed occupancy is 81%. These figures do not correspond with the number of operations performed and number of deliveries and other investigations carried out in the hospital. On the day of inspection on verification bed occupancy was found 71%.

4. Incinerator is not available.
5. There is a building having 6 flats in the campus for the teaching faculty. At present this flats are not occupied by the teaching faculty. They are furnished, but vacant.
6. Accommodation for nurses is inadequate.
7. Not a single resident doctor is staying in the resident hostel.
8. Other deficiencies/remarks in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to disapprove the scheme for establishment of Warangal Instt. of Medical Sciences, Warangal by Medicare Educational Trust.

40. M.M. Instt. of Medical Sciences, Maullana, Ambala – Renewal of permission for admission of 2nd batch of students.

Read: The compliance verification inspection report (2nd & 3rd July 2004.) for renewal of permission of admission of 2nd batch of MBBS students for the academic session 2004-2005 at M.M. Instt. of Medical Sciences, Maullana Ambala.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including

surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are

again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the

Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

“..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases.....”

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

“.....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all.....”

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI

on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I

am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission of 2nd batch of students on 25-26 May 2004 and 2-3 July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of	15 th March

	Letter of Permission	
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.
Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The treasures of the Trust met the inspectors and expressed his complete inability to organise and get the inspection conducted on 2-3 July 2004 as it has been declared holiday. Although on inquiry with the D.G.H.S., Govt. of Haryana (copy of the same is enclosed herewith), it was found that it was not a declared public holiday.
2. Neither the Principal nor the Medical Superintendent or Chairman of Trust were available even on telephone.
3. The Principal, when contacted on telephone, expressed his inability to come back from Dehradun for conducting the inspection.
4. The Casualty and indoor services were only being rendered with Junior most skeletal staff.
5. No faculty member was available nor their declaration forms were produced, the physical verification of the faculty could not be undertaken.
6. OPD attendance could not be verified. The functional condition of the computer also could not be verified.
7. There are 2 operation theatres in the existing hospital building, which are inadequate and four OT in the newly constructed hospital building which are in the process of commissioning. No operation was done on the days of inspection.
8. There is no separate ICU, PICU & SICU and Burns Unit.
9. The labour room and MTP room was combined with one table.
10. There is no septic labour or eclampsia room.
11. There was no doctor either Senior or Junior on duty. There was no patient in the delivery room on 02/07/2004.
12. Overall beds occupancy on day of inspection was found to be 60%.
13. The newly constructed hospital complex is in the final stages of completion.
14. There is no proper linking road connecting the two buildings which is under construction.
15. No faculty for experimental work is available in the animal hospital.
16. There is one part time Veterinary officer in the Animal House.
17. RHTC, Maullana is actually the Community Health Centre of Haryana Govt. and has not been developed as RHTC.
18. UHC is under the financial and administrative control of Haryana Govt. Outsourcing teaching and training activities have not been started.
19. Except the available bed strength and occupancy, rest of the parameters of clinical material could not be evaluated and verified.
20. The Registration counter is rather small and crowded. It is not yet operationally computerised.
21. There is no designated Emergency Operation Theatre and emergency surgical operations are carried out in the main OT Block.
22. NO CCTV or Viewing galleries are available.
23. No Glove inspection machine and no instrument washing machine are available in CSSD area.
24. Nursing staff is inadequate.
25. There is a shortage of 20 teaching beds as under :-

Dept.	Required	Present	Shortage
Paediatrics	45	40	5
Obst. & Gynae.	65	50	15

26. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew permission of 2nd Batch of students for the academic year 2004-05 at M. M. Instt. of Medical Sciences, Maullana.

41. Amala Instt. of Medical Sciences, Thrissur – Renewal of permission for admission of 2nd batch of students.

Read: The compliance verification inspection report (10th July 2004.) for renewal of permission of admission of 2th batch of MBBS students for the academic session 2004-2005 at Amala Instt. of Medical Sciences, Thrissur and the letter dated 10/7/2004 received from the Principal of the college.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (10th July 2004.) alongwith letter dated 10.7.2004 received from the Principal of the college stating that 10/7/2004 being second Saturday was a closed holiday throughout the State of Kerala and decided that in view the day of inspection being a closed holiday in the State of Kerala, immediate inspection should be carried out at this college and further decided the President (Acting) to take an appropriate decision on receipt of the inspection report.

42. Karnataka Instt. of Medical Sciences, Hubli – renewal of permission for admission of 4th batch of MBBS students against the increased intake i.e. 50 to 100.
(Deferred item no. 29 of the E. C. meeting held on 2.7.2004).

Read: The inspection reports (February 2004 & June, 2004) alongwith the information/clarification submitted by the Director, KIMS, Hubli regarding teaching beds.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (22nd & 23rd June , 2004) alongwith details of the teaching beds furnished by the Director, Karnataka Instt. of Medical Sciences, Hubli vide letter dt. 13.7.2004 and decided to recommend to the Central Government to renew the permission for admission of 4th batch of students against the increased intake i.e. from 50 to 100 at the college for the academic session 2004-05 .

43. Admissions to Govt. Medical College in Madhya Pradesh steps taken by the Govt. of Madhya Pradesh on rectification of deficiencies pointed out in the MCI inspection reports.

Read: The letter dt. 30th June, 2004 from Principal Secretary, Govt. of Madhya Pradesh as forwarded by the Central Government for reconsideration of the matter with regard to de-recognition of five Govt. Medical colleges in Madhya Pradesh in light of submission made by the State Govt. with regard to the steps taken by them on rectification of the deficiencies pointed out in the MCI inspection report conducted in July, 2003.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 30.06.2004 of the State Govt. of M.P. indicating the steps taken by it for compliance towards various deficiencies pointed out by the Council, as forwarded by the Central Govt. to the Council vide its letter dated 13.7.2004 and resolved that further action on the discontinuation of recognition of the MBBS degree for the medical colleges in Madhya Pradesh in the light of the steps taken by the State Govt. for removal of deficiencies incorporated in the State Govt.'s letter dated 30.06.2004, be deferred by the Central Govt. for a period of 1½ months. The Council shall carry out the inspection of these 5 medical colleges thereafter. In the event it is found in the inspection that the deficiencies have not been removed, the Central Govt. shall be suitably informed by the Council with the appropriate recommendations for taking further appropriate action towards de-recognition in accordance with the provisions of Section 19 of the Act.

44. Action to be taken against the teachers who have shown employment in more than one medical college at the same point of time.
(Deferred Item No. 21 of the Executive Committee at its meeting held on 2.7.2004)

Read: The matter with regard to Action to be taken against the teachers who have shown employment in more than one medical college at the same point of time.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter at length and approved the decision of the Ethics Committee modifying the quantum of punishment for temporary erasure of such teachers from the Indian Medical Register as under:-

- a) In case where it is recommended for the period of 6 months, the same be increased to 1 year.
- b) In case where it is recommended for the period of 1 year, the same be increased to 2 years.
- c) In case where it is recommended for 2 years, the same be increased to 3 years.

It was further decided to place this matter before the General Body of the Council at its next meeting for approval.

45. Govt. Medical College, Ananthapur – renewal of permission for admisison of MBBS students for the academic session 2004-05.

Read: The compliance verification inspection report (10th July 2004.) for renewal of permission for admission of MBBS students for the academic session 2004-2005 at Govt. Medical College, Ananthapur.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or*

any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any

undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the

parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of

permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission of 5th batch of students in April 2004 and 10th July 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December

4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.
Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such

recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. The shortage of teaching faculty is 32% :-

Professor	5 (Anatomy-1, Biochemistry-1, Pathology-1, Microbiology-1, Orthopaedics-1)
Associate Professor	14 (Anatomy-2, Physiology-1, Forensic Medicine-1, Community Medicine-1, Dermatology-1, Psychiatry-1, Paediatrics-1, Surgery-2, Radiodiagnosis-1, Anaesthesia-1, Dentistry-1)
Asst. Professor	9 (Medicine-2, Psychiatry-1, Paediatrics-1, Surgery-2, Orthopaedics-1, ENT-1, Anaesthesia-1)
Tutor	7 (Forensic Medicine-1, Community Medicine-3, TB & Chest-1, Anaesthesia-2)

The shortage of Residents is 72% as under :-

Sr. Resident	12 (Medicine-4, Dermatology-1, Surgery-4, Orthopaedics-2, ENT-1)
Jr. Resident	40 (Medicine-8, TB & Chest-3, Dermatology-3, Psychiatry-3, Paediatrics-4, Surgery-10, Orthopaedics-5, ENT-1, Ophthalmology-3)

2. Residential accommodation provided to 30(thirty) contractual nurses.
3. The number of investigations are still inadequate.
4. There is no separate chamber for FNAC.
5. Separate ICCU is not available.
6. Paediatrics ICU is not available.
7. Dietician is not available.
8. No canteen is available.
9. Supporting paramedical staff is inadequate in Pharmacology.
10. Nursing staff is grossly inadequate as under :-

Nursing Supdt.	2
Head Nurses	14
Staff Nurses	104
(Permanent – 74)	
(Contract – 30)	
Total	120
Deficiency	65%

11. Statistical unit is made functional, but no post for the Statistician has been sanctioned.
12. There is no artist cum photographer in the Deptt. of Anatomy.
13. The Research Laboratory in Physiology Dept. is having few instruments.
14. The Museum of Physiology Dept. is only having two charts.
15. In the Museum of Microbiology, the specimens are not properly displayed.
16. The Books in the following departmental libraries are inadequate :-

Forensic Medicine	: 50
Pathology	: 63
PSM	: 70
Anaesthesiology	: 50

17. The number of Laboratory investigations and X-Ray investigations are inadequate and not commensurate with the number of patients claimed to have been attending OPD and IP.
18. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew of Permission for admission of 5th batch of students for the academic year 2004-05 at Govt. Medical College, Anantapur.

46. **Swami Vivekanand Instt. of Medical Sciences & Research, Valia, Gujarat – Renewal of permission for admission of 2nd batch of students for the academic session 2004-05.**

Read: The compliance verification inspection report (6th July 2004.) alongwith the letter dated 13.7.2004 from the institution for renewal of permission of admission of 2nd batch of MBBS students for the academic session 2004-2005 at Swami Vivekanand Instt. of Medical Sciences & Research, Valia, Gujarat.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (6th July , 2004) alongwith the letter dt. 13.7.2004 from Swami Vivekanand Instt. of Medical Sciences & Research, Valia as forwarded by the Ministry and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of MBBS students for the academic session 2004-05 at Swami Vivekanand Instt. of Medical Sciences, Valia, Gujarat with an annual intake of 50 students.

47. **Chhatisgarh Instt. of Medical Sciences, Bilaspur - Renewal of permission for admission of 4th batch of students for the academic session 2004-05.**

Read: The compliance verification inspection report (15th July 2004) for renewal of permission for admission of 4th batch of students for the academic session 2004-05 at Chhatisgarh Instt. of Medical Sciences, Bilaspur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (15th July , 2004) alongwith the letter dated 15.7.2004 from Joint Secretary, Govt. of India, Ministry of Health & F.W., and decided to recommend to the Central Government to renew the permission for admission of 4th batch of 100 MBBS students for the academic session 2004-05 at Chhatisgarh Instt. of Medical Sciences, Bilaspur .

48. **Govt. Medical College, Akola – Renewal of permission for admission of 2nd batch of students for the academic session 2004-05.**

Read: The compliance verification inspection report (15th July 2004) for renewal of permission for admission of 2nd batch of students for the academic session 2004-05 at Govt. Medical College, Akola.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (15th July, 2004) alongwith the letter dated 15.7.2004 from the Joint Secretary Govt. of India, Ministry of Health & F.W., and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of 100 MBBS students for the academic session 2004-05 at Govt. Medical College, Akola.

49. **Govt. Medical College, Aurangabad – renewal of permission for admission of MBBS students for the academic session 2004-05 against the increased intake i.e. 100 to 150.**

Read: The compliance verification inspection report (15th July 2004) for renewal of permission for admission of students for the academic session 2004-05 against the increased intake i.e. 100 to 150 at Govt. Medical College, Aurangabad.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (15th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary, Ministry of Health & FW and decided to recommend to the Central Government to renew the permission for admission of fresh batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic session 2004-05 at Govt. Medical College, Aurangabad .

50. **MKCG Medical College, Berhampur – Increase of seats in 1st MBBS course from 107 to 150.**

Read: The compliance verification inspection report (14th & 15th July 2004) for for increase of seats in 1st MBBS course from 107 to 150 for the academic session 2004-05

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under :-

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the

State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to

any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The

whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

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These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the

Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on

pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for increased intake i.e. 107 to 150 renewal of permission for the academic year 2004-05, on 12th –13th February, 2004, 24-25th June, 2004 & 14-15th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9820-21

Date : 5/7/04

To

The Dean/Principal,
Maharaja Krishna Chandra Gajapati,
Medical College,
Berhampur-760 004
Orissa

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government

sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,
Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

**SCHEDULE FOR RECEIPT OF APPLICATIONS FOR
ESTABLISHMENT OF NEW MEDICAL COLLEGES AND
PROCESSING OF THE APPLICATIONS BY THE CENTRAL
GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA**

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. Shortage of teaching faculty is more than 15% (i.e. 34 out of 225) as under
 - i) Professor – 5 (Physiology –1, Pathology –1, Microbiology –1, Orthopaedics –1, ENT –1)
 - ii) Assoc. Prof. – 12 (Anatomy –2, Physiology –1, Biochemistry –1, Microbiology –2, Paediatrics –1, Surgery –2, Ophthalmology –1, Anaesthesia –1, & Radio-diagnosis –1)
 - iii) Asstt. Prof. – 9 (Anatomy –2, Physiology –1, Radio-diagnosis –1, Paediatrics-1) (Lect. Biophy-1, Pharmaceutical Chemist –1, ANMO-1, MWO –1)
 - iv) Tutor – 8 (Physiology –1, General Medicine –4, General Surgery –1, Radio-Diagnosi-2)

2. Clinical material is inadequate even for existing intake capacity of 107 as under:-

	Daily Average	Day of Inspection
O.P.D. attendance	648	596
Causality attendance	48	10
Bed occupancy %	66%	63.3%
<u>Operative work</u>		
Number of major surgical operations	26	33
Number of minor surgical operations	8	8
Number of normal deliveries	8	6
Number of caesarian Sections	4	2
<u>Radiological Investigations</u>		
X-ray	72	58
Ultrasonography	20	17
Special Investigations	5	2
C.T. Scan	8	8
<u>Laboratory Investigations</u>		
Biochemistry	160	120
Microbiology	80	10
Serology	38	30
Parasitology	106	86
Haematology	175	181
Histopathology	18	12
Cytopathology	20	12
Others	nil	Nil

3. The Principal is not qualified as he has experience of Professor for only 3 years.

4. In ICCU – There are no central monitoring and ventilator facility available.

5. NICU – No ventilator available. There are no Paediatrics, Obst. And Burn ICU

6. CSSD – Status of receiving and distribution stations is not as per norms.

7. Incinerator is not installed till the day of inspection.

8. Nursing Staff is grossly inadequate as under:-

- i) Matron –1
- ii) Asstt. Matron –1
- iii) Nursing Sister –19
- iv) Staff Nurses –135

9. The department of pathology practical class is also shared by Microbiology department for their practical and demonstration purposes which needs to be separated with separate facilities. In the museum, there is no increase in representative system specimens since last inspection.

10. Microbiology Museum – It has no catalogues, 12 laminated charts displayed on the walls and 15 specimens.

11. The microbiology department is not performing any HIV test since 24/3/2004.

12. Blood bank is not under the administrative control of the Principal/Superintendent. It is run by Orissa Red Cross Society.

13. The registration was valid up to 31/12/1999. So far no further extension for registration has been received.

14. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of thse Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for increase of seats in 1st MBBS course from 107 to 150 at MKCG Medical College, Berhampur u/s 10A of the IMC Act, 1956.

51. **VSS Medical College, Burla – Increase of seats in 1st MBBS course from 107 to 150.**

Read: The compliance verification inspection report (15th July 2004) for increase of seats in 1st MBBS course from 107 to 150 for the academic session 2004-05.

"The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following : -

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION
PROCESS FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>

Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. *Time Schedule for completion of the admission process*

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing*

- the medical education;*
- ii) *even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.

- iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

- 06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.
- 04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for increase intake i.e. 107 to 150 for the academic year 2004-05, on 12-13th February, 2004 18-19th June, 2004 and 14-15th July, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March

7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government. (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,
Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exists as under: -

1. Shortage of teaching faculty is more than 15% (i.e. 29 out of 174) as under:-

- i) Professor – 4 (Microbiology –1, Orthopaedics –1, ENT –1, Skin & VD -1)
- ii) Assoc. Prof. – 13 (Anatomy –2, Physiology –2, Microbiology –1, PSM –1, General Medicine –1, General Surgery –1, Obst. & Gynae. –2, Forensic Medicine –1, T.B. & Chest –1, Anaesthesia -1)
- iii) Asstt. Prof. – 5 (Anatomy –2, Physiology –2, Biophysics –1 Lecturer)
- iv) Tutor – 7 (Anatomy –1, Physiology –2, Biochemistry –2, Microbiology-1, PSM-1)

2. Clinical material is inadequate even for existing intake capacity of 107 as under:-

	Daily Average		Day of Inspection		As on 12/7/2004 inspected by Superintendent	
O.P.D. attendance	702		685		752	
Bed occupancy %	66%		66%		69%	
<u>Radiological Investigations</u>	O.P.	I.P.	O.P.	I.P.	O.P.	I.P.
X-ray	48	25	30	13	58	32
Ultrasonography	6	3	6	4	8	5
<u>Laboratory Investigations</u>						
Microbiology	4	2	4	4	6	4
Serology	3	1	7	5	7	6
Parasitology	-	-	26	10	31	14
Haematology	35	21	10	05	33	18
Histopathology	13	7	9	5	13	11
Cytopathology	-	-	9	10	15	13

3. In Anatomy department, cooling cabinet is still not available.

4. Other deficiencies/remarks in the report..

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for increase of seats in 1st MBBS course from 107 to 150 at V.S.S. Medical College, Burla.

52. **Govt. Medical College, Latur– Renewal of permission for admission of 2nd batch of students for the academic session 2004-05.**

Read: The compliance verification inspection report (16th July 2004) for renewal of permission for admission of 2nd batch of students for the academic session 2004-05 at Govt. Medical College, Latur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (16th July , 2004) alongwith the previous inspection report (June, 2004) and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of 100 MBBS students for the academic session 2004-05 at Govt. Medical College, Latur.

{Lt. Col. (Retd.) Dr. ARN Setalvad}
SECRETARY

New Delhi,
Dated the 16th July, 2004

A P P R O V E D

(DR. P.C.KESAVANKUTTY NAYAR)
PRESIDENT (ACTING)