

No. MCI-5(3)/2015-Med.Misc./

MEDICAL COUNCIL OF INDIA
NEW DELHI

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 29th April, 2015 in the Council Office at Sector 8, Pocket 14, Dwarka, New Delhi.

Present:

Dr. Jayshree Mehta	President Medical Council of India, Former Professor of Surgery, Govt. Medical College, Vadodara, Gujarat.
Dr. C.V. Bhirmanandham	Vice-President, Medical Council of India, Former Vice-Chancellor of Dr. M.G.R. Health University, Tamil Nadu
Dr. Radha Madhab Tripathy	Professor and Head, Department of Community Medicine, MKCG Medical College, Berhampur.
Dr. Anil Mahajan	Professor & HOD, General Medicine, Government Medical College, Jammu, J&K.
Dr. V.N. Jindal	Vice Chancellor, S.R.K. University, Bhopal, Madhya Pradesh
Dr. Baldev Singh Aulakh	Professor of Urology and Transplant Surgery, Head Transplant Unit, Dayanand Medical College, Ludhiana
Dr. G.B. Gupta	Vice-Chancellor, Ayush & Health Sciences University, Raipur, Chhattisgarh.
Dr. Vijay Prakash Singh	Professor & Head, Department Of Gastroenterology, Patna Medical College, Patna, Bihar
Dr. Ravindra H.N.	Kalashree Nilaya, Krishna Nagar, Pandavapura, Mandya Distt., Karnataka

Dr. Reena Nayyar, Secretary I/c

Apology for absence was received from Dr. K.K. Gupta

1. **Minutes of the Executive Committee Meeting held on 27th March, 2015 – Confirmation of.**

The Executive Committee of the Council confirmed the minutes of the Executive Committee meeting held on 27th March, 2015.

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

The Executive Committee of the Council noted the action taken on the minutes of the Executive Committee meeting held on 27th March, 2015.

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

The Executive Committee of the Council noted the pending items arising out of the decisions taken by the Executive Committee.

4. Renewal of permission for MBBS course for 5th batch of 100 seats of Rajiv Gandhi Institute of Medical Sciences, Ongole, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijaywada u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch of 100 seats of Rajiv Gandhi Institute of Medical Sciences, Ongole, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijaywada u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (2nd March, 2015) along with the previous assessment report (10th & 11th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (100 seats) of Rajiv Gandhi Institute of Medical Sciences, Ongole, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijaywada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

5. Renewal of permission for MBBS course for 3rd batch of 100 seats of ESIC Medical College, Gulbarga, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch of 100 seats of ESIC Medical College, Gulbarga, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (04th March, 2015) alongwith the previous assessment report (12th & 13th November, 2014) and noted the following:-

1. Deficiency of faculty is 31.81 % as detailed in the report.
2. Shortage of Residents is 25 % as detailed in report.
3. No workshop on Medical Education Technology has been conducted during the year. Deficiency remains as it is.
4. Lecture Theaters: Facility for E class is not available.
5. OPD: Teaching area is not available in each department. Deficiency remains as it is. ESI Hospital, Gulbarga is not functional on date.
6. Wards: Demonstration rooms are available in only 3 departments. Deficiency remains as it is. ESI Hospital, Gulbarga is not functional on date,
7. Radiological investigations like Ba, IVP are not carried out. Deficiency remains as it is.
8. Histopathology & Cytopathology work is not yet started. Deficiency remains as it is.
9. MRD: ICD X classification is not followed. Deficiency remains as it is.
10. Casualty: Equipment like Disaster Trolley, Ventilator are not available. Deficiency remains as it is.

11. AERB approval is not available. Deficiency remains as it is.
12. Paramedical & Non-teaching staff: No new appointments have been made after last assessment. Deficiency remains as it is.
13. Qualified Radiologist is not available. Deficiency remains as it is.
14. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (100 seats) of ESIC Medical College, Gulbarga, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

6. Renewal of permission for MBBS course for 5th batch (100 seats) of Malda Medical College & Hospital, Malda, West Bengal under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (100 seats) of Malda Medical College & Hospital, Malda, West Bengal under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

7. Renewal of permission for MBBS course for 5th batch of 100 seats of ICARE Institute of Medical Sciences & Research, Haldia, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch of 100 seats of ICARE Institute of Medical Sciences & Research, Haldia, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (27th Feb., 2015) alongwith the previous assessment report (20th & 21st November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (100 seats) of ICARE Institute of Medical Sciences & Research, Haldia, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

8. Renewal of permission for MBBS course for 4th batch of 100 seats of Employees State Insurance Corporation Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch of 100 seats of Employees State Insurance Corporation Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (26th Feb., 2015) alongwith previous Assessment Report (12th & 13th November, 2014) and noted the following:-

1. Deficiency of faculty is 14.96 % as detailed in the report.
2. Shortage of residents is 19.60 % as detailed in report.
3. Teaching Beds: Shortage of 16 beds in paediatrics still remains. Tb & Chest, Skin & VD & Psychiatry still form part of General Medicine wards. Deficiency remains as it is.
4. O.T.s: General Surgery, Orthopaedics, Eye & ENT O.T.s still have 2 tables each. Deficiency is still not rectified.
5. SICU is not yet handed over. Deficiency remains as it is.
6. Central Library: Capacity of Reading room (Inside) is only 36 against requirement of 100 as per Regulations. Staff reading room is away from library. Number of Internet nodes are only 18 which is inadequate. Deficiency remains as it is.
7. Residents' Hostel: No separate hostel for male Residents is available. They are accommodated in Boys' hostel. Deficiency remains as it is.
8. Nurses' Hostel: Accommodation is not available in campus. Deficiency remains as it is.
9. Residential Quarters: No quarters are available in the campus. Deficiency remains as it is.
10. Lecture Theaters: Facility for E class is not available. Deficiency remains as it is.
11. Audiometry room is still not soundproof. Deficiency remains as it is.
12. RHTC: It is still under dual control of Govt. of Karnataka & ESIC which is not permissible. Deficiency remains as it is.
13. UHC: It is still under dual control of Govt. of Karnataka & ESIC which is not permissible. Deficiency remains as it is.
14. Common Rooms for Boys & Girls: Area is smaller than required. Deficiency remains as it is.
15. Playground is not available.
16. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch (100 seats) of Employees State Insurance Corporation Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

9. **Renewal of permission for MBBS course for 3rd batch of 100 seats of Shaheed Hasan Khan Mewati Government Medical College, Nalhar, Mewat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2015-16.**

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch of 100 seats of Shaheed Hasan Khan Mewati Government Medical College, Nalhar, Mewat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

10. **Renewal of permission for MBBS course for 4th batch of 100 seats of BPS Government Medical College for Women, Sonapat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2015-16.**

Read: the matter with regard to renewal of permission for MBBS course for 4th batch of 100 seats of BPS Government Medical College for Women,

Sonepat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

11. Renewal of permission for MBBS course for 4th batch of 100 seats of Murshidabad Medical College & Hospitals, Murshidabad, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch of 100 seats of Murshidabad Medical College & Hospitals, Murshidabad, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (27th Feb., 2015) alongwith the previous assessment report (18th & 19th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 100 seats of Murshidabad Medical College & Hospitals, Murshidabad, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

12. Renewal of permission for MBBS course for 4th batch of 100 seats of Hamdard Institute of Medical Sciences & Research, New Delhi under Jamia Hamdard (Hamdard University) u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch of 100 seats of Hamdard Institute of Medical Sciences & Research, New Delhi under Jamia Hamdard (Hamdard University) u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (12th & 13th Feb., 15) alongwith the previous assessment report (12th & 13th November, 2014) and representation of the college authorities dated 18/02/2015 and noted that the resident doctors had been counted who were on leave due to their own marriage and one Professor of TB & Chest department who had been considered eligible in the previous assessment had been declared ineligible by the Assessors in the current assessment. Taking into consideration the above and on recalculation, the following was noted:-

1. Faculty deficiency 11.3%
2. Deficiency of Resident Doctors: 12.62 %.
3. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch of 100 seats of Hamdard Institute of Medical Sciences & Research, New Delhi under Jamia Hamdard (Hamdard University) u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

13. Establishment of new medical college at Palakkad, Kerala by Royal Medical Trust, Palakkad, Kerala with an annual intake of 150 students under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Palakkad, Kerala by Royal Medical Trust, Palakkad, Kerala with an annual intake of 150 students under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (09th April 2015) alongwith previous assessment report (19th & 20th December, 2014 & 09th and 10th Jan. 2015) and representation dated 24.04.2015 received from the college authorities and noted the following:

1. Deficiency of faculty is 58 % as detailed in the report.
2. Shortage of Residents is 80 % as detailed in the report.
3. Ratio of Medical: Nonmedical teachers as prescribed in Regulations is breached in the departments of Physiology & Biochemistry.
4. Bed occupancy is 56.67 % on day of assessment which is inadequate.
5. ICUs: There was only 1 patient in ICCU & 2 patients in ICU on day of assessment. There are only 4 beds in NICU against requirement of 5 as per Regulations.
6. Eclampsia room is not equipped at all.
7. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Palakkad, Kerala by Royal Medical Trust, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur, Kerala to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

14. Establishment of new medical college at Akbarpur, Mathura, Uttar Pradesh by Rajiv Memorial Academic Welfare Society, Uttar Pradesh with an annual intake of 150 students under Dr. B.R Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Akbarpur, Mathura, Uttar Pradesh by Rajiv Memorial Academic Welfare Society, Uttar Pradesh with an annual intake of 150 students under Dr. B.R Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

15. Renewal of permission for MBBS course for 4th batch (100 seats) of Govt. Medical College, Kannauj under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (100 seats) of Govt. Medical College, Kannauj under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (11th April 2015) alongwith previous assessment report (02nd & 03rd December 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (100 seats) of Govt. Medical College, Kannauj under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

16. Renewal of permission for MBBS course for 2nd batch (100 seats) of RUHS College of Medical Sciences, Jaipur, Rajasthan under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (100 seats) of RUHS College of Medical Sciences, Jaipur, Rajasthan under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (10th April 2015) alongwith previous assessment report (16th & 17th January 2015) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (100 seats) of RUHS College of Medical Sciences, Jaipur, Rajasthan under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

17. Establishment of new medical college at Omandurar, Chennai by Govt. of Tamilnadu with an annual intake of 100 students under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Omandurar, Chennai by Govt. of Tamilnadu with an annual intake of 100 students under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (08th April 2015) alongwith previous assessment report (19th & 20th December, 2014) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Omandurar, Chennai by Govt. of Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai with an annual intake of 100 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

18. Renewal of permission for MBBS course for 5th batch (100 seats) of Mahamaya Rajkiya Allopathic Medical College, Ambedkarnagar under Dr. Ram Manohar Lohia Avadh University, Faizabad u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (100 seats) of Mahamaya Rajkiya Allopathic Medical College, Ambedkarnagar under Dr. Ram Manohar Lohia Avadh University, Faizabad u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

19. Establishment of new medical college at Marikavalasa, Vishakhapatnam, Andhra Pradesh by Gayatri Vidya Parishad Society, Andhra Pradesh with an annual intake of 150 students under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Marikavalasa, Vishakhapatnam, Andhra Pradesh by Gayatri Vidya Parishad Society, Andhra Pradesh with an annual intake of 150 students under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

20. Assessment of the physical and other teaching facilities available for recognition/approval of College of Medicine & JNM Hospital, Kalyani, Nadia, West Bengal for the award of MBBS degree (100 seats) granted by West Bengal University of Health Sciences, Kolkata u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to assessment of the physical and other teaching facilities available for recognition/approval of College of Medicine & JNM Hospital, Kalyani, Nadia, West Bengal for the award of MBBS degree (100 seats) granted by West Bengal University of Health Sciences, Kolkata u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (10th April 2015) alongwith previous assessment report (02nd & 03rd February 2015) and decided to recommend recognition/approval of College of Medicine & JNM Hospital, Kalyani, Nadia, West Bengal for the award of MBBS degree (100 seats) granted by West Bengal University of Health Sciences, Kolkata and decided to recommend to the Central Government for approval u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee decided to place the matter before the General Body of the Council.

In view of above, the Executive Committee of the Council further decided to recommend to the Central Government to renew permission for admission of 6th batch of 100 MBBS students at College of Medicine & JNM Hospital, Kalyani, Nadia, West Bengal for the academic year 2015-2016.

21. Establishment of new medical college at Modinagar, Ghaziabad, Uttar Pradesh by Jassar Dental Medical Education Health Foundation, Modinagar, Uttar Pradesh with an annual intake of 150 students under Ch. Charan Singh Univeristy, Meerut u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Modinagar, Ghaziabad, Uttar Pradesh by Jassar Dental Medical Education Health Foundation, Modinagar, Uttar Pradesh with an annual intake of 150 students under Ch. Charan Singh Univeristy, Meerut u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (09th April 2015), previous assessment report (14th Oct., 2014) alongwith the letter dated 16/04/2015 received from the Chairman, Divya Jyoti Institute of Medical Sciences & Research, Modinagar, Ghaziabad and noted the following:

1. Deficiency of faculty is 40 % as detailed in report.
2. Shortage of Residents is 64 % as detailed in report.
3. Bed occupancy was 42 % on day of assessment, including patients in ICUs & Casualty which are not considered as teaching beds. All the case files in the wards do not have any daily notes of the consultants regarding the condition of the patient. Most of the patients in Orthopaedics were there for Physiotherapy treatment.
4. ICUs: Occupancy in PICU/NICU was 1 patient each which is inadequate. MICU had 8 patients but most patients did not warrant ICU admissions. SICU had 2 patients.
5. Only 2 Major surgeries were performed on day of assessment. OT registers showed only 11 Major operations in March 2015 – i.e. daily average of 0.4/day & 07 Major operations in April for 8 days – i.e. average of 1/day which is inadequate.
6. There was only 1 normal delivery & NIL Caesarean section on day of assessment.
7. Histopathology & Cytopathology workload was inadequate on day of assessment.
8. Although institute has claimed OPD attendance of 625 on day of assessment, on physical verification, this number is not justified. There were very few patients in waiting area & in the queue at registration counter.
9. Casualty: All the patients in Casualty were not having anything serious to warrant admission in Casualty.
10. Laboratory Investigations: Number of tests shown are not commensurate with number of patients in OPD & IPD.
11. Wards: They do not have proper recording system of patient records regarding treatment & daily patient condition.
12. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Modinagar, Ghaziabad, Uttar Pradesh by Jassar Dental Medical Education Health Foundation, Modinagar, Uttar Pradesh to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

22. Establishment of new medical college at Bhadwar, Varanasi, U.P by Heritage Hospital Ltd., Varanasi, U.P with an annual intake of 150 students under Mahatma Gandhi Kashi Vidyapith, Varanasi u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Bhadwar, Varanasi, U.P by Heritage Hospital Ltd., Varanasi, U.P with an annual intake of 150 students under Mahatma Gandhi Kashi Vidyapith, Varanasi u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (09th April 2015) alongwith previous assessment report (22nd & 23rd January, 2015) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Bhadwar, Varanasi, U.P by Heritage Hospital Ltd., Varanasi, U.P under Mahatma Gandhi Kashi Vidyapith, Varanasi with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

23. Renewal of permission for MBBS course for 5th batch (150 seats) of Punjab Institute of Medical Sciences, Jalandhar, Punjab under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (150 seats) of Punjab Institute of Medical Sciences, Jalandhar, Punjab under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (07th April 2015) alongwith previous assessment report (05th & 06th December 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (150 seats) of Punjab Institute of Medical Sciences, Jalandhar, Punjab under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

24. Establishment of new medical college at Patancheru, Medak Dist., Telangana by St. Augustin Educational Society, Hyderabad with an annual intake of 150 students under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Patancheru, Medak Dist., Telangana by St. Augustin Educational Society, Hyderabad with an annual intake of 150 students under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (07th April 2015) alongwith previous assessment report (29th & 30th December 2014) and noted the following:-

1. Neither Dean nor Medical Superintendent are available on day of assessment.
2. Deficiency of faculty is 95 % on day of assessment. No faculty is available in college, OPD, OT, wards, emergency department of the hospital.
3. Shortage of residents is 100 %.
4. Bed occupancy is Zero on day of assessment.

5. Ward infrastructure is not functional due to absence of doctors & patients. Nurses & paramedical staff were absent from many duty areas. Records of patient attendance, investigations & indoor cases were requested but were not submitted.
6. OPD was vacant, without faculty, Residents & patients. Paramedical staff was absent in most OPDs including Casualty.
7. No operative work has been carried out on day of assessment. Records of previous surgeries were requested but not submitted. Verbal enquiries with CMO & Nursing staff revealed that no operations have been performed in last few days.
8. Radiological procedures were NIL on day of assessment.
9. ICUs: ICCU & ICU were vacant on day of assessment.
10. Dean, Dr. Kalpana Dave & Vice Dean, Dr. Vidya Sagar were absent on day of assessment. No other faculty were allotted administrative responsibility in their absence. Medical Superintendent Dr. Hanumantarayudu reported at 2 p.m.
11. Skeletal Nursing staff was present on day of assessment.
12. Only 2-3 paramedical staff were present on day of assessment.
13. OPD attendance was NIL. No patients were observed in wards. Some patients were shown in casualty but they did not have valid registration numbers.
14. College authorities cited "Local Holiday" as a reason for gross absence of staff & Residents. However no such holiday has been declared as a holiday by State Government. Also, mandatory emergency & Casualty services were also non-functional. No Resident or faculty were found attending the casualty or emergency duties in hospital.
15. Data submitted by institute of clinical material & investigations appears fraudulent. No records have been maintained in the laboratories. Numbers of investigations do not match with number of OPD & IPD patients.
16. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Patancheru, Medak Dist., Telangana by St. Augustin Educational Society, Hyderabad under Dr. NTR University of Health Sciences, Vijayawada to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

25. Establishment of new medical college at Pennalur, Kancheepuram District., Tamilnadu by Sri Devi Karumarimman Educational Trust, Chennai with an annual intake of 150 students under the Tamilnadu Dr. M.G.R Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Pennalur, Kancheepuram District., Tamilnadu by Sri Devi Karumarimman Educational Trust, Chennai with an annual intake of 150 students under the Tamilnadu Dr. M.G.R Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (07th April 2015) alongwith previous assessment report (19th & 20th December 2014) and noted the following:-

1. The college & hospital including Casualty were closed and non-functional on day of assessment. No one was available when the team of assessors reached at 09:30 a.m. on day of assessment

2. Dean, Medical Superintendent, faculty, Residents, Nurses or any other staff were not present in the college or hospital. Deficiencies of faculty (82.75 %) & Residents (100 %) remain as such.
3. OPD was closed & non-functional on day of assessment. Deficiencies of OPD, Bed Occupancy, Major & Minor operations, Number of Deliveries, Radiological & Laboratory Investigations remain as such.
4. There were no patients in OPD, Casualty, OT, wards or anywhere in the campus.
5. Assessment team waited till 11:10 a.m. but situation remained same.
6. All other deficiencies of infrastructure remain as such as they could not be verified as the entire college & hospital were closed on day of assessment.
7. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Pennalur, Kancheepuram District., Tamilnadu by Sri Devi Karumarimman Educational Trust, Chennai under the Tamilnadu Dr. M.G.R Medical University, Chennai to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

26. Establishment of new medical college at Patancheru, Medak Dist., Andhra Pradesh by Alleti Shrunitha Educational Society, Hyderabad with an annual intake of 150 students under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Patancheru, Medak Dist., Andhra Pradesh by Alleti Shrunitha Educational Society, Hyderabad with an annual intake of 150 students under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015.

The Executive Committee of the Council considered the compliance verification assessment report (07th April 2015) alongwith previous assessment report (19th & 20th December 2014) and noted the following:-

1. Dean & Medical Superintendent are not available on day of assessment.
2. Deficiency of teaching faculty is 88 % as detailed in report.
3. Shortage of Residents is 66 % as detailed in report.
4. OPD was NIL till 10:45 a.m. on day of assessment. Total OPD on day of assessment was only 54.
5. Bed occupancy was 22 % on day of assessment.
6. Casualty attendance was NIL on day of assessment.
7. Only 2 Major & 1 Minor Surgeries were carried out on day of assessment.
8. No patient was available in ICCU, ICU, SICU, PICU or NICU on day of assessment.
9. There was no lady in labour present in labour room.
10. No Radiologist was available on day of assessment. No entry of any procedure was available in register for the period 01/04/2015 to 07/04/2015.
11. Only 44 Nursing staff were available against requirement of 175 as per Regulations.
12. Only 10 paramedical staff were available against requirement of 100 as per Regulations.
13. MEU & College Council are not constituted. Deficiency remains as it is.
14. Central Clinical Laboratory: It is functional but only 1 sample was received on day of assessment. Registers are not properly maintained.
15. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Patancheru, Medak Dist., Andhra Pradesh by Alleti Shrunitha Educational Society, Hyderabad under Dr. NTR University of Health Sciences, Vijayawada to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

27. Renewal of permission for MBBS course for 4th batch (100 seats) of Fakhruddin Ali Ahmed Medical College, Barpeta, Assam under Srimanta Sankaradeva University of Health Sciences, Guwahati u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (100 seats) of Fakhruddin Ali Ahmed Medical College, Barpeta, Assam under Srimanta Sankaradeva University of Health Sciences, Guwahati u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (24th March 2015) alongwith previous assessment report (28th & 29th November 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (100 seats) of Fakhruddin Ali Ahmed Medical College, Barpeta, Assam under Srimanta Sankaradeva University of Health Sciences, Guwahati u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

28. Renewal of permission for MBBS course for 3rd batch (150 seats) of IQ-City Medical College, Burdwan, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of IQ-City Medical College, Burdwan, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (19th March 2015) alongwith previous assessment report (10th & 11th December 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of IQ-City Medical College, Burdwan, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

29. Renewal of permission for MBBS course for 3rd Batch (150 seats) of Malla Reddy Institute of Medical Sciences, Hyderabad, A.P under Dr. NTR University of Health Sciences, Vijayawada, A.P u/s 10(A) of the IMC Act, 1956 for the academic year 2014-15.

Read: the matter with regard to renewal of permission for MBBS course for 3rd Batch (150 seats) of Malla Reddy Institute of Medical Sciences, Hyderabad, A.P under Dr. NTR University of Health Sciences, Vijayawada, A.P u/s 10(A) of the IMC Act, 1956 for the academic year 2014-15.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council noted that while considering the assessment report dated 27th & 28th May 2014 at its meeting held 13.06.2014, the following deficiencies were noted:-

1. Most of the Residents of all clinical departments appear to be present for namesake as they did not know the names of their superiors / juniors in the Unit / department.
2. Operations entry in the O.T. register is not done in proper way i.e. without continuous numbering and leaving blank spaces in pages leaving scope for future entry and manipulation.
3. There are serious irregularities in the Declaration form of the faculty & residents as under:
 - (a) Dr. D. Aruna, presenting as SR in Medicine on 27th May, 2014 could not produce the original experience certificate. A photocopy of the experience certificate issued by MNR Medical College & Hospital, Sangareddy Dean on 1st Aug. 2008 without any reference no. from the institute was attached in her declaration form. On 28th May, 2014, she produced the original "Service Certificate cum Relieving Order" dated 31st July, 2008 without any reference no. signed by Dean of MNR Medical College, Sangareddy. This suspect the forgery as the certificate appeared new and bore the signature of the Dean, which matched with the signature of the present Dean of Malla Reddy Medical College and photocopy and original bore different dates. From the Declaration Form of the Dean, as per entries in clause 3(a), it is noted that he was working as Dean at MNR Medical College from 10.3.2008 to 30.11.2011. When Dr. D. Aruna was asked about the original certificate, she said that she had obtained it only a few days back. She also said that times the Dean was Dr. Narsa Reddy. This appears the forgery of the experience certificate.
 - (b) It was also noted the appointment orders of SR & JR/Promotion orders of the Faculty/Residents issued by this institute shows same/similar outward number in most of the cases.
 - (c) Experience certificate issued by many private medical institutes did not bear any outward number, which raises the doubt about its authenticity.
4. Other deficiencies as pointed out in the assessment report.

The Executive Committee of the Council, in view of the above noted deficiencies decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 MBBS seats) in Malla Reddy Institute of Medical Sciences, Hyderabad, Andhra Pradesh under Dr. N.T.R. University of Health Sciences, Vijayawada, Hyderabad, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2014-2015. Accordingly the decision of the Executive Committee was communicated to the Central Govt. vide Council letter dated 14.06.2014.

In view of the irregularities with regard to the teaching faculty found during the inspection of the medical college, the Principal of MNR Medical College, Sangareddy vide letter dated 18th June 2014 was requested to confirm as to whether Dr. D. Aruna has worked in their medical college from 01.08.2005 to 31.07.2008 and if so to provide the details of her experience of work at their institute. In response to the above, the Principal, MNR Medical College, Sangareddy vide letter dated 21.06.2014 had informed the Council that as per records available with them, Dr. D. Aruna, Senior Resident in the department of General Medicine at Malla Reddy Institute of Medical Sciences, Suraram, Hyderabad and that she was in MNR Medical College & Hospital, Sangareddy as Junior Resident in department of General Medicine from 01.08.2005 to 31.07.2008. Further it was stated that they confirm the service certificate cum relieving order dated 31.07.2008 and again on 01.08.2008 since she lost the earlier certificate.

Thereafter, the Council office vide its letter dated 2nd July, 2014 requested the Principal, MNR Medical College, Sangareddy to come personally in the Council office on 4th July, 2014 along with original office records in respect of Dr. D. Aruna, Jr. Resident i.e. appointment letter, Joining letter, Bank Salary statement/form 16 and other relevant documents. In response to above, the I/C Principal, MNR Medical College, Sangareddy vide his letter dated 3rd July, 2014 informed the Council office that Dr. B. Srinivasa Rao, Principal, MNR Medical College & Hospital, Sangareddy was on medical leave from 03.07.2014 to 07.07.2014 due to acute Gastroenteritis and all records in question are under the custody and control and requested that the date for personal appearance of Dr. B. Srinivasa Rao, Principal, MNR Medical College & Hospital, Sangareddy along with original records, of Dr. D. Aruna, Jr. Resident may be postponed.

The Council office vide its email dated 4th July, 2014 requested the I/c Principal of the college to ask the Principal, MNR Medical College & Hospital, Sangareddy to come personally to the Council office on 08.07.2014 at 10.00 a.m. along with original office records in respect of Dr. D. Aruna, Jr. Resident.

In response to above, the Principal, MNR Medical College, Sangareddy appeared personally in the Council office on 8th July, 2014 and has submitted his written reply, which is as under:-

“(i) After my retirement from Government service, I joined as Principal at MNR Medical College in the month of January, 2014 and since then I am discharging my duties as Principal, MNR Medical College, Sangareddy.

(ii) Previous to me, Dr. Chandrakant Shirolu worked as the Principal for MNR Medical College. Presently, Dr. Chandrakant Shirolu is working as Dean/Principal of Malla Reddy Institute of Medical Sciences.

(iii) Due to acute Gastroenteritis I am not keeping well for quite some time.

(iv) On 21-06-2014, a letter dated 18-06-2014 issued from your good office was placed before me by the office staff, whereunder it was mentioned that an assessment was carried out by the MCI assessors at Malla Reddy Institute of Medical Sciences, Suraram, Hyderabad and Dr. D. Aruna has presented herself as Senior Resident in Medicine, where she produced a photocopy of Experience Certificate, dated 31-07-2008 which was said to have been issued by the Principal, MNR Medical College to the effect that Dr. D. Aruna had worked as Junior Resident in the department of General Medicine from 01-08-2005 to 31-07-2008. She also was said to have produced a copy of letter dated 01-08-2008 showing the same experience.

In this regard, I was asked to confirm as to whether Dr. D. Aruna has worked at MNR Medical College and if so to provide the details of her experience and also to confirm whether both the Experience Certificates submitted by Dr. D. Aruna was issued from your office.

(v) Dr. Chandrakant Shirolu Ex-Principal of MNR Medical College & Presently Principal of Mallareddy Institute of Medical Sciences, Suraram, Hyderabad came to my office on 21.06.2014 and produced the copies of the said experience letters of Dr. Aruna dated 31-07-2008 and 1-8-2008 and he stated that recently MCI assessment was held at their college and the assessors questioned the authentication of the experience certificate of Dr. D. Aruna. Since I am the present Principal he wanted me to clarify and attest the said certificate. He also enquired as to whether we received any letter from Medical Council of India regarding the said issue. I informed him that a letter was issued by the MCI and I instructed the staff for verification of the details from old records. For the Dr. Chandrakant Shirolu informed me that he was aware of Dr. D. Aruna and he himself issued those two letters during his tenure as Principal of MNR Medical College and asked me to endorse on the Experience Letter and there is no necessity for verification of old records. Since he was the then Principal of MNR Medical College, who

issued those Experience Letters, believing his words, I endorsed on the copy of the experience letters produced by him. Since I am not keeping well, Dr. Chandrakant Shirolu prepared the reply to the letter dated 18-06-2014 issued from your good office, confirming the said experience letters of Dr. D. Aruna which are said to have issued by him only. Since Dr. Chandrakant Shirolu is the person who issued the Experience Letters of Dr. D. Aruna, confirmed the issuance of the said letters, believing him, I signed the clarification letter dated 21-06-2014 to your letter dated 18-06-2014 without verifying the official service records of Dr. Aruna.

(vi) Thereafter on 22-06-2014, Dr. Chandrakant Shirolu as the Dean/Principal of Malla Reddy Institute of Medical Sciences, issued a letter, requesting to confirm the above details as they need to send the same to your good office. Hence I issued a letter dated 23-06-2014 confirming the said details of Dr. D. Aruna as I have already issued the clarification letter dated 21-06-2014 basing on the confirmation given by Dr. Chandrakant Shirolu.

(vii) After receiving the letter dated 21-06-2014 by your good office, a letter dated 02-07-2014 under reference 4th cited was issued from your good office, requesting me to come personally to the Council office on 4-7-2014 at 11.00 am positively along with original office records in respect of Dr. D. Aruna, Junior Resident i.e. Appointment letter, Joining Letter, Bank Salary Statement/Form 16 and the other available relevant documents.

(viii) In view of my health condition, I was on leave from 3-7-2014 to 7-07-2014, since I applied for leave for the said period the Incharge Principal communicated a letter dated 3-7-2014 under reference 5th cited, to your good office informing the fact of my non-availability and thereafter an E-mail dated 4/7/2014 was received from your good office under reference 6th cited, calling me to come to the Council office personally on 8/7/2014 along with the documents of Dr. D. Aruna.

(ix) After receiving the letter dated 2/7/2014 under reference 4th cited, since I was on leave, I was informed by my office staff on 3/7/2014 regarding the request for personal appearances and also production of records of Dr. D. Aruna by your good office. Immediately I informed the In-charge Principal to inform the fact of my non-availability to your good office and to verify the original service records during the period 2005-2008 and identify the service particulars of Dr. D. Aruna.

(x) Surprisingly, it came to my notice that Dr. D. Aruna never worked at MNR Medical College at any point of time particularly from 1/8/2005 to 31/7/2008. On verification of the entire records, we realized that Dr. D. Aruna never worked at MNR Medical College and Dr. Chandrakant Shirolu for the reasons best known to him issued Experience Certificate dated 31/7/2008 and the subsequent letter dated 1/8/2008 as if Dr. D. Aruna worked at MNR Medical College as Jr. Resident in the department of General Medicine. Dr. Chandrakant Shirolu without the knowledge of the management of MNR Medical College seems to have issued those certificates by misusing the letter head folios and rubber stamp of the college and his position as Principal. He also mislead me and made me to believe that Dr. D. Aruna worked as Jr. Resident at MNR Medical College during 1/8/2005 to 31/7/2008 and obtained Endorsement on the experience certificate and also made me to send confirmation to your good office. Since Dr. Chandrakant Shirolu was the Principal of MNR Medical College before me and in view of my health condition at that time, innocently believing his words I made the endorsement and correspondence as if Dr. D. Aruna worked at MNR Medical College previously as Junior Resident without even verifying the service records.

(xi) in view of the above, I hereby inform you that Dr. D. Aruna did not work as Junior Resident in the Department of General Medicine at any

point of time at MNR Medical College and the experience certificate dated 31/7/2008 and the subsequent letter dated 1/8/2008 are the fabricated documents issued by Dr. ChandrakantShiroli.

(xii) the inconvenience caused from my side is only because of believing the words of Dr. ChandrakantShiroli innocently. I apologize for issuing letter to you based on Dr. ChandrakantShiroli statements and without verifying the records properly."

Thereafter, the matter was considered by the Executive Committee on 21.08.2014 and in view of the submission of the Principal, MNR Medical College, Sangareddy, the Executive Committee of the Council noted that Dr. D. Aruna had not worked as Junior Resident in the Department of General Medicine at any point of time at MNR Medical College and the experience certificate dated 31.07.2008 and subsequent letter dated 1.8.2008 are fabricated documents issued by Dr.Chandrakant Shiroli (Ex-Principal of MNR Medical College & presently Principal of MallareddyInstt. Of Medical Sciences, Hyderabad).

In view of the statement of Dr. B. Srinivasa Rao, the Executive Committee of the Council decided to refer the matter to the Ethics Committee of the Council for taking necessary action against the Principal, Dr. B. Srinivasa Rao, MNR Medical College & Hospital, Sangareddy, the Ex-Principal of MNR Medical College, the present Principal of Mallareddy Instt. Of Medical Sciences, Hyderabad-Dr.ChandrakantShiroli and Dr. D. Aruna. The Executive Committee further decided to recommend to the Central Government, Ministry of Health & FW for debarring the medical college from admitting students for two academic years i.e. 2014-15 and 2015-16 in terms of Section 8(3)(1)(d) of Establishment of Medical College Regulations, 1999.The said decision of the Executive Committee was communicated to the Central Govt., Ministry of Health & F.W., New Delhi vide MCI letter dated 03.09.2014, however the Govt. of India, Ministry of Health & F.W did not take any decision in the matter.

In the meantime, the Hon'ble Supreme Court in the matter being W.P (C) No.269/2014- titled Hind Charitable Trust Vs. UOI alongwith the batch of matters wherein the renewal of permission or the grant of permission was rejected / disapproved by the Council on the grounds of various deficiencies, under Article 142 of the Constitution of India, as an interim order dt. 18/09/2014 & 25/09/2014, in order to give benefit to the meritorious students of the State waiting list, allowed the medical colleges to make admissions for the academic year 2014-15 wherein the renewal of permission was denied due to various deficiencies. The Hon'ble Supreme Court allowed the medical colleges to make admissions, subject to an undertaking that the college are fully compliant and there did not exist any deficiencies and in case any deficiencies is found in the subsequent inspection, the bank guarantee of 10 Crores furnished by the college shall be forfeited as a penalty.

The office of the Council received a letter dated 21.10.2014 from the Dean/Principal, of Malla Reddy Institute of Medical Sciences, Vijawada, Andhra Pradesh forwarding the list of students admitted in MBBS course for the academic session 2014-15 in pursuance of the orders dated 18.09.2014 & 25.09.2014 passed by the Hon'ble Supreme Court.

Since the medical college had made admission for academic year 2014-15, even after the recommendation of the Council dated 03.09.2014, the Council vide letter dated 08.12.2014 requested the Central Govt. to intimate its decision to the Council, which was followed by reminders dated 19.12.2014 & 31.12.2014 requesting the Central Govt. to intimate its decision on the recommendations of the MCI dated 03.09.2014.

In view of above, the Executive Committee of the Council considered the letter dated 05.01.2015 issued by the Central Govt., Ministry of Health & F.W. The Executive Committee of the Council observed that due to the delay on the part of the Ministry to take timely decision, the medical college has made admissions in MBBS course for academic session 2014-15 in view of the orders passed by the Hon'ble Supreme Court dated 18.09.2014 & 25.09.2014. In view

of the serious irregularities in teaching faculty in the medical college and its earlier decision dated 03.09.2014 to recommend to the Central Government, Ministry of Health & FW for debarring the college from admitting students for two academic years i.e. 2014-15 and 2015-16 in terms of Section 8(3)(1)(d) of Establishment of Medical College Regulations, 1999, the Executive Committee of the Council decided to recommend to the Central Government, Ministry of Health & FW for debarring the college from admitting students in MBBS course for the academic years 2015-16 and 2016-17 in terms of Section 8(3)(1)(d) of Establishment of Medical College Regulations, 1999. The Committee further decided to request the Central Govt., Ministry of Health & FW to take an early decision in the matter in order to avoid any further delay.”

The Committee further observed that the Central Govt. vide its communication dt. 30.03.2015 has asked to conduct fresh inspections of the college and submit its report to the Ministry accordingly.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“1. The querist – Medical Council of India has sought my opinion as to whether the querist is obliged to consider the case of a medical college for grant of renewal of permission, which has been barred under Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999, for two academic years on account of submitting false and fabricated documents / declaration forms of the faculty employed in the medical college. The opinion is sought based upon the facts of one particular case viz. case of Malla Reddy Medical College.

2. I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter in detail for the querist. My opinion on the questions is as under :-

3. As can be seen from the Note for Opinion and the correspondence, Malla Reddy Medical College has been debarred for making admission of 150 MBBS students under Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999, initially for the academic year 2014-15 & 2015-16 and now for the academic session 2015-16 & 2016-17.

4. In order to give a specific opinion in the matter in light of facts of the case, it is appropriate to consider Regulation 8(3)(d) of the Establishment of Medical College Regulation, 1999 along with the facts of the case. The relevant portion of the aforesaid Regulation is reproduced as under :-

“
8. GRANT OF PERMISSION:

.....
(3)(1) (d) colleges which are found to have employed teachers with faked/ forged documents:

If it is observed that any institute is found to have employed a teacher with faked/ forged documents and have submitted the Declaration Form of such a teacher, such an institute will not be considered for renewal of permission/ processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.....”

5. Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999, for a salutary provision to achieve the object of the Act providing that in case any medical colleges is found to have employed teachers with fake and forged documents and declaration forms, such an institute will not be considered for renewal of permission / recognition for award of MBBS degree / processing of their application for postgraduate courses, for two academic years i.e. the current academic year and the next academic year. This provision is apparently made to ensure that no medical college takes chance by resorting to forgery or use of fake documents.

6. The Regulation 8(3)(1)(d) was incorporated in order to work as a deterrent for a medical college from including in any malpractice in relation to the appointment of teaching faculty in a medical college as the same will affect the quality of teaching and training in any such institution and would ultimately defeat the very object of the Act.

7. In the case of Malla Reddy Medical College, the querist on its regular inspection found that the teaching faculty employed by the medical college as well as the declaration form submitted to the querist was forged / fabricated in order to get a favourable recommendation for admitting a fresh batch of students for academic year 2014-15.

8. When the above malpractice came to the notice of the querist, the querist conducted a detailed enquiry and also verified the experience certificate as well as the declaration form furnished by the Malla Reddy Medical College. The querist also verified the experience cum relieving certificate of the faculty members from their earlier employer and found it to be false and fabricated.

9. The querist, after considering the entire material in this regard, vide its letter dated 03.09.2014 communicated its decision to refer to the matter of the Ethics Committee of the querist for appropriate action against the concerned doctors for submitting false and fabricated documents / declaration form as well as to debar Malla Reddy Medical College from admitting fresh batch of MBBS students for two academic years i.e. 2014-15 and 2015-16 in terms of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999.

10. Since the decision of the querist was not communicated to the medical college, the institution made admissions for the academic year 2014-15 in pursuance of the order dated 18.09.2014 and 25.09.2014 passed by the Hon'ble Supreme Court in the case of Hind Charitable Trust Vs. Union of India- W.P. (CO) No.269 of 2014.

11. Thereafter, in pursuance to the Central Govt. letter dated 05.01.2014, the querist reconsidered its decision on the ground that Malla Reddy Medical College has already made admission for the academic year 2014-15, the querist decided that in the case of Malla Reddy Medical College the current academic year shall mean to be 2015-2016 and the next academic year will be 2016-17. This was communicated to the Central Govt. vide letter dated 21.01.2015.

12. Indulging in malpractice of forgery and fabrication is a serious offence in law and the same cannot be taken lightly. Especially in the case of medical education, as the same will affect the quality of medical education provided by an institution. The institution which indulges in forgery and fabrication should be penalized as contemplated by statutory provisions as their actions affect the career of students pursuing MBBS education and may eventually affect the citizens.

13. In view of the clear reading of the Regulation 8(3)(1)(d) and the facts of the case, I am of the opinion that querist is not obliged to process the application of a medical college for renewal of permission which has been debarred from making admission for two academic years in conformity with Regulation 8(3)(1)(d) of aforesaid Regulation ."

In view of above and legal opinion of Ld. Additional Solicitor General of India and upon application of clause 8(3)(1)(d) of Establishment of Medical College Regulations (Amendment), 2010 (Part-II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Government, Ministry of Health & FW for debarring the Malla Reddy Institute of Medical Sciences, Hyderabad, A.P. from admitting students in MBBS course for the academic years 2015-16 and 2016-17.

30. Renewal of permission for MBBS course of 5th batch (150 seats) of Annapoorna Medical College & Hospital, Salem, Tamil Nadu under The Tamilnadu Dr. MGR Medical University, Chennai, Tamilnadu u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course of 5th batch (150 seats) of Annapoorna Medical College & Hospital, Salem, Tamil Nadu under The Tamilnadu Dr. MGR Medical University, Chennai, Tamilnadu u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (15th & 16th December, 2014) and noted the following:-

1. Shortage of Residents is 24.64 %.
2. Teaching beds are deficient as under:

Department	Beds		
	Required	Available	Shortage
Tb & Chest	20	12	8
Skin & VD	8	3	5
Ophthalmology	20	8	12
ENT	18	8	10
Orthopaedics *	56	46	10
TOTAL			45

3. Bed occupancy was less than 50 % in most of the wards.
4. There is no demarcation of beds between General Surgery, Orthopaedics, Ophthalmology & ENT. Against requirement of 135 beds for General Surgery & 56 for Orthopaedics (i.e. total 191), 181 beds are available in 4 wards. In one female ward, there are 8 beds for Ophthalmology & 8 for ENT.
5. Wards: 5 wards of General medicine are combined with Tb & Chest, Skin & VD, etc. There is no separate Tb & Chest ward. Male Skin & VD and Female Tb & Chest wards were not found.
6. Number of major Surgical operations was only 5 for the whole hospital on day of assessment.
7. There were only 18 deliveries during the period from 01/12/2014 to 16/12/2014.
8. Examination Hall cum Auditorium: It is under construction.
9. Lecture Theaters: There are only 2 lecture theaters of capacity 200 & 150 against requirement of 3 of capacity 180 each as per Regulations. Facility for E class is available only in 1 lecture theater.
10. Central Library: Available area is 2,284 sq.m. against requirement of 2,400 sq.m. Only 50 journals are available against requirement of 60.
11. Common Rooms for Boys & Girls: Area is 50 sq.m. against requirement of 150 sq.m.
12. There are no offices of Dean & Medical Superintendent in the hospital.
13. MRD is partly computerized.
14. ICUs: There was no patient in ICCU, RICU & Burns' Unit on day of assessment. There were only 2 patients in MICU & SICU & 1 patient in PICU/NICU on day of assessment.
15. Anatomy department: Mounted specimens are only 81.
16. Pathology department: Mounted specimens are only 65.
17. There is no department of Dentistry.
18. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch (150 seats) of Annapoorna Medical College & Hospital, Salem, Tamil Nadu under The Tamilnadu Dr. MGR Medical University, Chennai, Tamilnadu u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

"8(3)(1).....

- (b) Colleges in the stage upto III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of MBBS degree.

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <70%, such an institute will not be considered for renewal of permission in that Academic Year."

The Committee further observed that the Central Govt. vide its communication dt. 24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- "1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

".....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....."

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above and legal opinion of Ld. Additional Solicitor General of India and upon application of clause 8(3)(1)(b) of Establishment of Medical College Regulations (Amendment), 2010 (Part-II), dated 16th April, 2010, 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 5th batch (150 seats) of Annapoorna Medical College & Hospital, Salem, Tamil Nadu under The Tamilnadu Dr. MGR Medical University, Chennai, Tamilnadu u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

31. Renewal of permission for MBBS course for 2nd batch (150 seats) of Rajshree Medical Research Institute, Bareilly, U.P. under MJP Rohilkhand University, Bareilly, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of Rajshree Medical Research Institute, Bareilly, U.P. under MJP Rohilkhand University, Bareilly, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 10/02/2015, the Executive Committee had decided as under:

“The Executive Committee of the Council considered the Council Assessors report (22nd & 23rd January 2015) and noted the following:-

1. *Deficiency of teaching faculty is 63.20 % as detailed in report.*
2. *Shortage of Residents is 79.26 % as detailed in the report.*
3. *Clinical material: A large number of patients are not genuine.*
4. *OPD: Teaching area is available in OPDs of General Medicine, General Surgery & Ophthalmology only. Facilities are inadequate in Paediatrics & O.G. OPD.*
5. *Teaching Beds: There is no clearcut departmentwise Unitwise demarcation of beds & wards. Patients of multiple specialities were seen in a single ward.*
6. *Wards: Nursing stations in most of the wards were outside the wards. Only 2 Demonstration Rooms are available. There were very few postoperative patients in beds earmarked for Surgical specialities.*
7. *No Histopathology work is done in the department of Pathology.*
8. *Casualty: Ventilator & Defibrillator are not available.*
9. *O.T.s: 5 O.T.s are available against requirement of 6 as per Regulations. ENT/Ophthalmology O.T. has 2 tables which is not as per norms.*
10. *ICUs: There was no patient in ICCU & only 1 patient each in MICU & PICU/NICU on day of assessment.*
11. *Labour Room: Separate rooms for septic & Eclampsia cases are not available.*
12. *Only 1 USG is available against requirement of 2 as per Regulations.*
13. *Dean's office is still under construction. It is presently located in the hospital.*
14. *Lecture Theater: Only 1 lecture theater is available against requirement of 2 as per Regulations. Facility for E class is not available.*
15. *Central Library: It is not air conditioned. Capacity of Students' Reading Room (outside) and Students' Reading Room (Inside) is 124 & 40 respectively against requirement of 150 each as per Regulations. Staff reading room has capacity of only 2. Journals available are 11 against requirement of 20 as per Regulations.*
16. *Central Photography Unit is not available.*
17. *Students' Hostels: Accommodation available is for 144 students against requirement of 225 as per Regulations. Security of Girls' hostel is inadequate. No female warden was present.*
18. *Residents' Hostel: Available accommodation is 32 against requirement of 76 as per Regulations.*
19. *Nurses' Hostel: Available accommodation is for 20 against requirement of 34 as per Regulations.*
20. *Residential Quarters: None available for non-teaching staff. Presently they are provided accommodation in 6 rooms in Nurses' Hostel which is grossly inadequate.*
21. *Common Rooms for Boys & Girls are not functional.*
22. *Recreational facilities are not available.*
23. *MRD: It is partly computerized. ICD X classification of diseases is not used for indexing.*
24. *CSSD: It is not available.*
25. *Central Kitchen: It is not available.*
26. *Website: No information is provided as detailed in report. Citizens' charter is not uploaded.*
27. *Anatomy department: Lockers are not available. Specimens are only 27.*
28. *Pathology department: Museum is not available. Audiovisual aids are not available in demonstration rooms.*
29. *Microbiology department: Infrastructure & facilities are not available.*
30. *Pharmacology department: Laboratories are under construction. Museum is not functional. Audiovisual aids are not available in the demonstration room.*

31. Forensic Medicine department: 2nd Demonstration Room is not available. Museum, Autopsy block are under construction. Audiovisual aids are not available.
32. Community Medicine department: It is under construction.
33. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of Rajshree Medical Research Institute, Bareilly, U.P. under MJP Rohilkhand University, Bareilly, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year."

The Committee further observed that the Central Govt. vide its communication dt. 24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999. My opinion has been sought on the following issues:-

- "1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.
2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

".....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt.....”

In view of above and upon application of clause 8(3)(1)(a) of Establishment of Medical College Regulations (Amendment), 2010 (Part-II), dated 16th April, 2010 and opinion of Ld. Additional Solicitor General of India, 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 2nd batch (150 seats) of Rajshree Medical Research Institute, Bareilly, U.P. under MJP Rohilkhand University, Bareilly, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

32. Establishment of a new medical college at Lucknow, Uttar Pradesh by Prasad Education Trust, Uttar Pradesh with an annual intake of 150 MBBS students under Dr. Ram Manohar Lohia Avadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to establishment of a new medical college at Lucknow, Uttar Pradesh by Prasad Education Trust, Uttar Pradesh with an annual intake of 150 MBBS students under Dr. Ram Manohar Lohia Avadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council observed that at its meeting dt. 31/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (16th & 17th January, 2015) and noted the following:

1. *Deficiency of teaching faculty is 38 % as detailed in the report.*
2. *Shortage of Residents is 51.1 % as detailed in the report.*
3. *Teaching Beds are deficient as under:*

#	Department	Beds		
		Required	Available	Shortage
1	General medicine	72	48	24
2	Tb & Chest	8	NIL	8
3	Psychiatry	8	NIL	8
4	Skin & VD	8	NIL	8
5	General Surgery	90	60	30
6	Orthopaedics	30	20	10
7	Ophthalmology	10	6	4
8	ENT	10	NIL	10
8	TOTAL			102

4. *Wards: Many wards are under construction. There is no segregation of beds into Units and Departments. Pantry & Store Room are not available in any ward. Examination & Treatment Room and Demonstration Rooms are not available in any ward.*
5. *OPD attendance was only 255 on day of assessment.*
6. *Bed occupancy was only 31 % on day of assessment. Most of the patients did not have belongings in side lockers and companion.*
7. *There was no Major or Minor operation on day of assessment.*
8. *There was no delivery – Normal or Caesarean – on day of assessment.*
9. *Radiological & laboratory workload is grossly inadequate on day of assessment.*
10. *Casualty: Separate Casualty for Obstetrics is not available. Disaster Trolley & Crash Cart are not available.*
11. *Central Clinical laboratory: Staff is inadequate.*
12. *O.T.: There is only 1 major O.T. available against requirement of 5 as per Regulations.*
13. *ICUs: ICCU, SICU, PICU/NICU are not available.*
14. *No Static X-ray machine is available.*
15. *No USG is available.*
16. *Lecture Theaters: They are under construction.*
17. *Students' Hostels: Girls' Hostel is under construction.*

18. *Nurses' Hostel: It is under construction.*
19. *Residential Quarters: They are under construction.*
20. *Intercom is not available.*
21. *Infrastructure of Preclinical departments of Anatomy, Physiology & Biochemistry is not complete. Equipment are not installed.*
22. *Other deficiencies as pointed out in the assessment report.*

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Lucknow, Uttar Pradesh by Prasad Education Trust, Uttar Pradesh under Dr. Ram Manohar Lohia Avadh University, Faizabad, Uttar Pradesh to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt.24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme Court in Mridul Dhar's case is as under:

"1-13.

14. *Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.*

15. *Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."*

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. *Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied stricto sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and esemplastically, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned.*

i) *The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.*

ii) *The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.*

iii) *After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.*

iv) *Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.*

v) *The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.*

vi) *All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of Ms. Neelu Arora & Anr. v. UOI & Ors. [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.*

vii) *If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.*

viii) *No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.*

ix) *The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive*

examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria....."

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which

prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.

18. In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3(2)(5) of Establishment of Medical College Regulations, 1999, the Executive Committee of the Council and opinion of Ld. Additional Solicitor General of India, decided to reiterate its earlier decision to return the application for establishment of a new medical college at Lucknow, Uttar Pradesh by Prasad Education Trust, Uttar Pradesh under Dr. Ram Manohar Lohia Avadh University, Faizabad, Uttar Pradesh to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

33. Establishment of New Medical College at Jodhpur, Rajasthan by Kushal Education Trust, Jaipur, Rajasthan with an annual intake of 100 MBBS students under Jodhpur National University, Jodhpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of New Medical College at Jodhpur, Rajasthan by Kushal Education Trust, Jaipur, Rajasthan with an annual intake of 100 MBBS students under Jodhpur National University, Jodhpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 31/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (29th & 30th January, 2015) and noted the following:

1. Deficiency of faculty is 17 % as detailed in the report.
2. Shortage of Residents is 31 % on day of assessment.
3. OPD attendance is only 205 against requirement of 400 as per Regulations.
4. Bed occupancy is only 21 % against requirement of 60 % as per Regulations.
5. There were only 2 Major & 2 Minor operations on day of assessment.
6. There was no delivery – normal or Caesarean – on day of assessment.
7. Radiological & Laboratory investigations workload is grossly inadequate.
8. Previous data of clinical material have not been submitted by the institute.

9. Casualty: Separate casualty for Obstetrics is not available.
10. ICUs: There was no patient in ICCU, SICU, PICU/NICU and only 1 patient in MICU on day of assessment.
11. Nursing Staff: Only 96 Nurses are available against requirement of 175 as per Regulations.
12. Paramedical Staff: Only 24 are available against requirement of 101 as per Regulations.
13. There is no boundary or land earmarked for the medical college. Engineering College, Dental College, Pharmacy College, Law College are located in the same campus. Hence it cannot be verified that a unitary plot of 20 Acres is available.
14. Lecture Theaters: facility for E class is not available.
15. Students' Hostels: Accommodation is available for only 48 boys against requirement of 75 as per Regulations. No separate hostel for girls of medical college is available. It is semi-furnished. Mess is not furnished. In Boys' hostel, ground floor is used by Residents. Ancillary facilities of Visitors Room are partly available.
16. Residents' Hostel: Separate hostel is not available. Accommodation is provided for 32 Residents against requirement of 42 as per Regulations. Ancillary facilities are not available.
17. Nurses' Hostel: Accommodation is provided for 30 Nurses only against requirement of 35 as per Regulations. It is semi furnished. Toilet facilities are inadequate. Mess is not available.
18. Residential Quarters: No quarters for non-teaching staff are available.
19. Website: It is under construction.
20. Anatomy department: Embalming room is not available. Only 49 specimens are available in the museum. MRI/CT films are not available.
21. Other deficiencies as pointed out in the assessment report.

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(2) of Establishment of Medical College Regulations, 1999 pertaining to land requirement, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Jodhpur, Rajasthan by Kushal Education Trust, Jaipur, Rajasthan with an annual intake of 100 MBBS students under Jodhpur National University, Jodhpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee also considered the compliance dated 10/03/2015 submitted by the Principal & Controller, Jodhpur Medical College & Hospital, Jodhpur through the Central Government, Ministry of Health & F.W., , New Delhi.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"..... The querist Medical Council of India [MCI] has sought my opinion in the case of establishment of new medical college at Jodhpur, Rajasthan by Kushal Education Trust, Jaipur, Rajasthan with an annual intake of 100 MBBS students under Jodhpur National University, Jodhpur u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

2. It appears that in the case of the medical college in question, the querist, after evaluating the scheme submitted by the medical college, had carried out the physical assessment/inspection of the medical college on 29/30.01.2015. The assessment report dated 29/30.01.2015 was considered by The Executive Committee of the querist observed the following deficiencies:-

1. Deficiency of faculty is 17 % as detailed in the report.
2. Shortage of Residents is 31 % on day of assessment.
3. OPD attendance is only 205 against requirement of 400 as per Regulations.
4. Bed occupancy is only 21 % against requirement of 60 % as per Regulations.
5. There were only 2 Major & 2 Minor operations on day of assessment.
6. There was no delivery – normal or Caesarean – on day of assessment.
7. Radiological & Laboratory investigations workload is grossly inadequate.
8. Previous data of clinical material have not been submitted by the institute.
9. Casualty: Separate casualty for Obstetrics is not available.
10. ICUs: There was no patient in ICCU, SICU, PICU/NICU and only 1 patient in MICU on day of assessment.
11. Nursing Staff: Only 96 Nurses are available against requirement of 175 as per Regulations.
12. Paramedical Staff: Only 24 are available against requirement of 101 as per Regulations.
13. There is no boundary or land earmarked for the medical college. Engineering College, Dental College, Pharmacy College, Law College are located in the same campus. Hence it cannot be verified that a unitary plot of 20 Acres is available.
14. Lecture Theaters: facility for E class is not available.
15. Students' Hostels: Accommodation is available for only 48 boys against requirement of 75 as per Regulations. No separate hostel for girls of medical college is available. It is semi-furnished. Mess is not furnished. In Boys' hostel, ground floor is used by Residents. Ancillary facilities of Visitors Room are partly available.
16. Residents' Hostel: Separate hostel is not available. Accommodation is provided for 32 Residents against requirement of 42 as per Regulations. Ancillary facilities are not available.
17. Nurses' Hostel: Accommodation is provided for 30 Nurses only against requirement of 35 as per Regulations. It is semi furnished. Toilet facilities are inadequate. Mess is not available.
18. Residential Quarters: No quarters for non-teaching staff are available.
19. Website: It is under construction.
20. Anatomy department: Embalming room is not available. Only 49 specimens are available in the museum. MRI/CT films are not available.
21. Other deficiencies as pointed out in the assessment report.

4. Based upon the said report, it was observed by the Executive Committee that there was no boundary or land earmarked for the medical college since the applicant college is also running Engineering College, Dental College, Pharmacy College and Law College from the same campus. The Executive Committee of the Council observed that the applicant medical college does not meet the qualifying criteria as prescribed under Regulation 3(2)(2) of the Establishment of Medical College Regulations, 1999. The querist had decided to return the application for the academic session 2015-16. Accordingly, the recommendations were forwarded to the Central Government vide communication dated 31.01.2015.

5. The Central Government constituted a Committee to grant an opportunity of personal hearing to the applicant medical college and other colleges wherein the querist had recommended disapproval/not to grant permission to the applicant medical college for running undergraduate courses for academic year 2015-16. The committee constituted by the Central Government grant personal hearing to the authorized representatives of the medical colleges on 11th, 12th & 13th March, 2015. The Central Government based upon the compliance submitted by the medical colleges, forwarded the compliance submitted by the applicant medical colleges dated 10.3.2015 to the querist for reviewing its earlier decision and give its recommendations.

6. The issue which requires to be considered in the present case is as to whether the applicant medical college is fulfilling the statutory requirement of land as prescribed under Regulation 3(2)(2) of the Establishment of Medical College Regulations, 1999. In compliance dated 10.3.2015, the applicant medical college, apart from other compliances, with regard to the deficiency of land had claimed that the total area of land for medical college and associated hospital is 20 acres, having a separate entry/exist. It was also claimed that the fencing between the medical college and the rest of the university building and campuses already exists and further a stone boundary wall along the periphery of 20 acres has been erected.

7. In my opinion, this claim of the medical college can only be verified after a physical assessment so that the actual factual position come on record and the object and purpose of Regulation No. 3(2)(2) is not frustrated. It is, therefore, appropriate for the querist to carry out a compliance physical verification inspection of the applicant medical college so as to ascertain the veracity of the claim made in the compliance report dated 10.03.2015."

In view of above and legal opinion of Ld. Additional Solicitor General of India, the Executive Committee of the Council decided to verify the compliance by way of an assessment.

34. Establishment of new medical college at Kodagu Karnataka by Government of Karnataka with an annual intake of 150 MBBS students under the Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Kodagu Karnataka by Government of Karnataka with an annual intake of 150 MBBS students under the Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (29th & 30th December, 2014) and noted the following:

1. *Deficiency of faculty is 35 % as detailed in report.*
2. *Shortage of Residents is 91.1 % as detailed in the report.*
3. *Teaching beds are deficient as under:*

#	Department	Beds		
		Required	Available	Shortage
1	General Medicine	72	55	17
2	General Surgery	90	62	28
3	Orthopaedics	30	24	6
4	Ophthalmology	10	8	2
5	ENT	10	8	2
	TOTAL			55

4. *OPD: Registration counters are not separate for males/females. They are not computerized. There are only 2 examination rooms for each department against requirement of 4 rooms. Teaching areas are very small. Injection room for males/females is common. Dressing room for males/females is common. Plaster room & Plaster cutting room are common.*
5. *Audiometry & Speech therapy are not available.*
6. *Wards: Demonstration rooms are smaller and not furnished. Pantry is not available.*
7. *OPD attendance is 400 on day of assessment against requirement of 600.*
8. *Lecture Theaters are under construction.*
9. *Central Library: It is under construction. Books & journals are not available. Staff is not available.*
10. *College building is under construction. Area of dean's office in temporary premises is small.*
11. *Central Photography Unit is not available.*
12. *Students' Hostels: They are under construction.*
13. *Residents' Hostel: It is under construction.*
14. *Residential Quarters: Only 10 quarters are available for non-teaching staff against requirement of 20.*
15. *MRD is manual. ICD X classification of diseases is not followed for indexing.*
16. *Casualty: Disaster Trolley, Crash cart, Defibrillator, Ventilator are not available.*

17. Central Clinical Laboratory: Separate sections are not available. Staff is inadequate.
18. O.T.s: Only 4 O.T.s are available against requirement of 5. Monitoring & Resuscitation equipment are inadequate.
19. ICUs: ICCU is not available.
20. Labour Room: Septic room is not available.
21. AERB approval is not available.
22. CSSD is not available.
23. Intercom is not available.
24. Nursing staff: Only 90 Nurses are available against requirement of 175.
25. College building is under construction. Hence departments of Anatomy, Physiology & Biochemistry are not available.
26. Other deficiencies as pointed out in the assessment report.

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Kodagu Karnataka by Government of Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 20. 02 2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme court in Mridul Dhar's case is as under:

"1-13.

14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied *stricto sensu* and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and *esemplastically*, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of *Ms. Neelu Arora & Anr. v. UOI & Ors.* [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective

feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions stricto sensu shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria.....

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2] [a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. *If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.*

17. *On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.*

18. *In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."*

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of a new medical college at Kodagu Karnataka by Government of Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

35. Establishment of new medical college at Chamrajnagar, Karnataka by Government of Karnataka with an annual intake of (150 seats) under Rajiv Gandhi University of Health Sciences, Bangalore Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Chamrajnagar, Karnataka by Government of Karnataka with an annual intake of (150 seats) under Rajiv Gandhi University of Health Sciences, Bangalore Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (29th & 30th December, 2014) and noted the following:-

1. Deficiency of teaching faculty is 43.3 % as detailed in the report. .
2. Shortage of Residents is 77.8 % as detailed in report. .
3. Teaching beds are deficient as under:

#	Department	Beds		
		Required	Available	Shortage
1	General Medicine	72	71	1
2	Paediatrics	24	19	5
3	Psychiatry	8	NIL	8
4	Skin & VD	8	NIL	8
5	General Surgery	90	70	20
6	Orthopaedics	30	28	2
7	Ophthalmology	10	5	5
8	ENT	10	4	6
	TOTAL			55

4. Wards: Distance between 2 beds is less than 1.5 m as required under the Regulations. Examination/Treatment room, Pantry, Duty room, Demonstration room are not available in any ward.
5. Radiodiagnosis department: USG workload is NIL.
6. Histopathology workload is NIL.
7. OPD: Separate registration counters for males / females are not available. They are not computerized. Waiting area for patients required as per Regulations is not available. Teaching areas are not available. Number of Examination rooms in each department is less than 4 as required per Regulations. E.C.G. room is not available. In Ophthalmology OPD, Dressing room / Minor procedure room is not available.
8. College building is under construction. Central Library, Common Rooms for Boys & Girls, Recreational facilities are not available.
9. Lecture theaters are under construction.
10. Students' hostels are under construction.
11. Residential Quarters: Only 12 quarters are available for non-teaching staff against requirement of 20.
12. Area of Dean's & Medical Superintendent's offices in the teaching hospital is smaller than required under Regulations.
13. Audiometry & Speech therapy are not available.
14. MRD: It is manual. ICD X classification of diseases is not followed for indexing. Medical records officer & Statistician are not available.
15. Casualty: Equipment is inadequate.
16. O.T.: Only 4 O.T.s are available against requirement of 5. Each O.T. has 2 tables which is not as per norms. Preoperative beds are not available. Postoperative ward has only 1 bed.
17. ICUs: ICCU & SICU are not available.
18. Labour Room: Eclampsia room is not available.
19. Radiodiagnosis department: No faculty is available. AERB approval is not available.
20. CSSD is not available.
21. Central Laundry: It is mechanical.
22. There is no qualified Pharmacist in Pharmacy.
23. Central kitchen is not functional.
24. Nursing staff: Only 99 Nurses are available against 175 required as per Regulations.
25. College building is under construction. Preclinical departments of Anatomy, Physiology & Biochemistry are not functional.
26. Other deficiencies as pointed out in the assessment report.

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for

establishment of a new medical college at Chamarajnagar, Karnataka by Government of Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.”

The Committee further observed that the Central Govt. vide its communication dt. 20.02.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon’ble Supreme court in Mridul Dhar’s case is as under:

*“1-13.
14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.
15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.”*

The relevant operative part of the order of Hon’ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied stricto sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their

cannonade on the rule of merit compels us to state, with precision and esemplastically, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of Ms. Neelu Arora & Anr. v. UOI & Ors. [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions stricto sensu shall be liable for action under the provisions of the Contempt of Courts

Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria.....

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.

18. In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of a new medical college at Chamarajnagar, Karnataka by Government of Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

36. Establishment of a new medical college at Kolar, Gold Fields, Kolar District, Karnataka by Sambhram Charitable Trust, Bangalore with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to establishment of a new medical college at Kolar, Gold Fields, Kolar District, Karnataka by Sambhram Charitable Trust, Bangalore with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (29th & 30th December, 2014) and noted the following:

1. Deficiency of teaching faculty is 25 % as detailed in report.
2. Shortage of Residents is 50 % as detailed in the report.

3. *Teaching beds are deficient as under:*

#	Department	Beds		
		Required	Available	Deficient
1	General Medicine	72	52	20
2	Tb & Chest	8	NIL	8
3	Psychiatry	8	NIL	8
4	Skin & VD	8	NIL	8
5	General Surgery	90	60	30
	TOTAL			74

4. OPD attendance on day of assessment is 350.
5. Bed occupancy is 29 % on day of assessment.
6. Central Library: No journals are available.
7. Students' Hostels: Furniture is available but yet to be placed in hostels.
8. Residents' Hostels: Furniture is available but yet to be placed in hostels.
9. Audiometry & Speech Therapy are not available.
10. MRD: ICD X classification of diseases is not followed for indexing.

11. O.T.: Only 2 O.T.s are functional against requirement of 5 as per Regulations.
12. ICUs: MICU, SICU, NICU/PICU are not available.
13. AERB approval is not available.
14. Nursing staff: 156 are available against requirement of 175.
15. Other deficiencies as pointed out in the assessment report.

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Kolar, Gold Fields, Kolar District, Karnataka by Sambhram Charitable Trust, Bangalore to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 20.02.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme court in Mridul Dhar's case is as under:

- "1-13.
14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied *stricto sensu* and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and *esemplastically*, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of *Ms. Neelu Arora & Anr. v. UOI & Ors.* [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is *ex-facie* arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria.....

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A [2] [a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would

be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. *On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.*

18. *In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."*

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of a new medical college at Kolar, Gold Fields, Kolar District, Karnataka by Sambhram Charitable Trust, Bangalore to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

37. Establishment of New Medical College at Karwar, Karnataka by Government of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to establishment of New Medical College at Karwar, Karnataka by Government of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (29th & 30th December, 2014) and noted the following:

1. Deficiency of faculty is 67.24 % as detailed in report.
2. Shortage of Residents is 97.77 % as detailed in report.
3. Teaching beds are deficient as under:

#	Department	Beds		
		Required	Available	Shortage
1	General Medicine	72	40	32
2	Skin & VD	8	0	8
	TOTAL			40

4. OPD attendance is only 364 on day of assessment.
5. Figures of major & minor operations and number of deliveries do not match.
6. OPD: Teaching areas are not available.
7. ICUs: ICCU & SICU are not available. There was no patient in MICU on day of assessment. It is not functional.
8. Radiodiagnosis department: AERB approval is not available.
9. CSSD is not available.
10. Nursing Staff: Only 77 Nurses are available against requirement of 175.
11. Lecture Theaters are under construction.
12. Central Library is under construction. No books and journals are available. No staff is available.
13. Common Rooms for Boys & Girls are not available.
14. Central Photography Unit is not available.
15. Students' Hostels: Available accommodation is for 60 students against requirement of 113.
16. Residents' Hostel is under construction.
17. Nurses' Hostel: Accommodation is available for 10 Nurses against requirement of 34.
18. Residential Quarters: 6 quarters are available for faculty against requirement of 12. 10 quarters are available for non-teaching staff against requirement of 20.
19. Microbiology, Histopathology & Cytopathology laboratories are not functional.
20. MRD: ICD X classification is not followed for indexing. Medical Records Officer & Statistician are not available.
21. Intercom is not available.
22. College building is under construction. Hence departments of Anatomy, Physiology & Biochemistry are not functional.
23. Other deficiencies as pointed out in the assessment report.

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Karwar, Karnataka by Government of Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 20.02.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January

5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme court in Mridul Dhar's case is as under:

"1-13.

14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied stricto sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and esemplastically, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of Ms. Neelu Arora & Anr. v. UOI & Ors. [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria....."

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the

applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.

18. In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of a new medical college at Karwar, Karnataka by Government of Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

38. **Establishment of new medical college at Lucknow, Uttar Pradesh by Society for the Advancement of Environmental Sciences, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 in pursuance of Hon'ble Supreme Court orders dated**

02.07.2014 & 17.11.2014 in CA no. 5933/2014-Medical Council of India Vs. Society for the Advancement of Environmental Sciences & Ors.

Read: the matter with regard to establishment of new medical college at Lucknow, Uttar Pradesh by Society for the Advancement of Environmental Sciences, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 in pursuance of Hon'ble Supreme Court orders dated 02.07.2014 & 17.11.2014 in CA no. 5933/2014-Medical Council of India Vs. Society for the Advancement of Environmental Sciences & Ors.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (9th & 10th December, 2014) carried out by the Council Assessors in compliance of Hon'ble Supreme Court orders dated 02.07.2014 & 17.11.2014 in CA no. 5933/2014-Medical Council of India Vs. Society for the Advancement of Environmental Sciences & Ors and noted the following:

1. Deficiency of faculty is 55 % as detailed in report.
2. Shortage of Residents is 95.55 % as detailed in the report.
3. Teaching beds are short by 60 as only 30 beds are available in General Surgery against requirement of 90 as per Regulations. Thus, only 240 beds are available against requirement of 300 as per Regulations.
4. Bed occupancy is only 25 % on day of assessment.
5. Central Library: Available area is 1,600 sq.m. against requirement of 2,400 sq.m. as per Regulations.
6. Common Rooms for Boys & Girls: They are smaller than required as per Regulations. They are not furnished. .
7. Central photography Unit is not available. .
8. Hostels: They are not furnished properly and are with inadequate facilities.
9. OPD: Minor O.T. is not available. In Ophthalmology OPD, dark room & dressing room / procedure room is not available.
10. Audiometry & Speech Therapy are not available.
11. Various clinics are not available in Paediatrics OPD.
12. Wards: Male & female beds are together in 1 ward in the departments of Tb & Chest, Psychiatry, Skin & VD, Orthopaedics, Facilities are not as per norms. Doctors' duty room is not available in any ward.
13. There were no major or minor operation on day of assessment.
14. No normal or Caesarean delivery was conducted on day of assessment.
15. Radiological & Laboratory investigation workload is inadequate.
16. MRD is not computerized. ICD X classification of diseases is not used for indexing. Medical Records officer & Statistician are not available.
17. Casualty: Disaster trolley & Crash cart are not available. Defibrillator is not available.
18. O.T.s: Only 2 O.T.s are available against requirement of 5 as per Regulations. 3 other O.T.s are not furnished and cannot be considered. Monitoring & Resuscitation Equipment are inadequate.
19. ICUs: They are not utilized. There was n patient in ICCU / any ICU on day of assessment. PICU/NICU has only 3 beds against requirement of 5 as per Regulations.
20. Labour Room: Separate rooms for septic cases & Eclampsia cases are not available.
21. Radiodiagnosis department: Only 1 USG is available against requirement of 2 as per Regulations.
22. CSSD: ETO sterilizer is not available. Receiving & Distribution points are not separate. Staff is inadequate. There is no one designated as incharge.
23. Anatomy department: Infrastructure is inadequate. Office is not furnished. Mounted specimens are only 50. Lockers are not available.
24. Physiology department: Office is not furnished.

- 25. *Biochemistry department: Microscopes are inadequate in number. Office is not furnished.*
- 26. *Other deficiencies as pointed out in the assessment report.*

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3 (2) (5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Lucknow, Uttar Pradesh by Society for the Advancement of Environmental Sciences, Lucknow to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 20.02.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme court in Mridul Dhar's case is as under:

- "1-13.*
14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.
15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied *stricto sensu* and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and *esemplastically*, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of *Ms. Neelu Arora & Anr. v. UOI & Ors.* [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is *ex-facie* arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria....."

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of

the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure

stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.

18. In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of a new medical college at Lucknow, Uttar Pradesh by Society for the Advancement of Environmental Sciences, Lucknow to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

39. Establishment of a new medical college at Chandrapur, Maharashtra by Govt. of Maharashtra with an annual intake of 100 MBBS students under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to establishment of a new medical college at Chandrapur, Maharashtra by Govt. of Maharashtra with an annual intake of 100 MBBS students under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (29th & 30th December, 2014) and noted the following:

1. Deficiency of faculty is 41 % as detailed in report.
2. Shortage of Residents is 44 % as detailed in report.
3. Teaching beds are deficient as under:

#	Department	Beds		
		Required	Available	Shortage
1	General Surgery	90	64	26

4. Wards: Demonstration rooms are not available.
5. College building is yet to be constructed. Hence Dean's office functions from the hospital. Staff room & College Council hall are available.
6. Lecture Theaters are to be constructed.
7. Central Library is to be constructed. There are no books and journals. Staff is not available.

8. Central Photography Unit is not available.
9. Students' Hostels are to be constructed.
10. Residents' Hostels are to be constructed.
11. Nurses' Hostels are to be constructed.
12. Residential quarters are to be constructed.
13. OPD: Although registration counters are computerized, on day of assessment, computers were not working. 4 Examination rooms as required for all departments are not available. Teaching areas are not adequate. Enquiry desk is available but there was no person on day of assessment.
14. Laboratory investigation workload is inadequate.
15. MRD: It is located in one half of a hall; in the other half there is library without any wall or partition.
16. Casualty: Disaster Trolley, Crash cart, Defibrillator & Ventilator are not available.
17. O.T.: Only 3 O.T.s are available against requirement of 4. Monitoring & Resuscitation equipment are inadequate as detailed in report.
18. No mobile X-ray is available against requirement of 1. Proof of AERB approval is not available.
19. Intercom is available but not working.
20. Nursing staff: 164 Nurses are available against requirement of 175.
21. Website: It is not available.
22. College building is yet to be constructed. Hence departments of Anatomy, Physiology & Biochemistry are not available.
23. All the faculty have been transferred from GMC, Nagpur on 09/12/2014. There is no proper joining report. Declaration Forms are also incomplete.
24. Other deficiencies as pointed out in the assessment report.

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Chandrapur, Maharashtra by Govt. of Maharashtra to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 20.02.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central	15th February

	Government requesting for Letter of permission.	
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme court in Mridul Dhar's case is as under:

"1-13.

14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. *Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied stricto sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and esemplastically, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.*

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently

deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of *Ms. Neelu Arora & Anr. v. UOI & Ors.* [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the
Ld. Addl. Solicitor General of India and decided to accept it, which reads as
under:-

"..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria....."

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that

the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.

18. In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of qualifying criteria 3 (2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of a new medical college at Chandrapur, Maharashtra by Govt. of Maharashtra to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

40. **Renewal of permission for MBBS course of 3rd batch (150 seats) of DM Wayanad Institute of Medical Sciences, Wayanad, Kerala under the Kerala University of Health & Allied Sciences, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.**

Read: the matter with regard to renewal of permission for MBBS course of 3rd batch (150 seats) of DM Wayanad Institute of Medical Sciences, Wayanad, Kerala under the Kerala University of Health & Allied Sciences, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 10/02/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (12th & 13th December, 2014) and surprise assessment report (06th & 7th February 2015) and noted the following:-

1. *Deficiency of faculty is 41% as detailed in report.*
2. *Shortage of Residents is 63% as detailed in the report.*
3. *Bed occupancy is 33% on day of assessment which is grossly inadequate.*
4. *Casualty attendance on day of assessment is only 10 for 24 hours which is grossly inadequate.*
5. *There are only 7 Major and 2 Minor operations for the whole hospital on day of assessment which is inadequate.*
6. *ETO sterilizer is not available.*
7. *Anatomy department: Capacity of cold storage is 4 bodies against requirement of 8 as per Regulations.*
8. *Microbiology Department: There are only 3 service laboratories available against requirement of 7 as per Regulations.*
9. *Forensic Medicine department: In museum, there are inadequate number of specimens and there are no charts, prototype firearms, photographs. There are no catalogues.*
10. *Other deficiencies as pointed out in the assessment report.*

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of DM Wayanad Institute of Medical Sciences, Wayanad, Kerala under the Kerala University of Health & Allied Sciences, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010(Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year."

The Committee further observed that the Central Govt. vide its communication dt. 24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

1. *Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the*

academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.

2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

".....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....."

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges

of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges. The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of clause 8(3)(1)(a) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010, 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 (150 seats) of DM Wayanad Institute of Medical Sciences, Wayanad, Kerala under the Kerala University of Health & Allied Sciences, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

41. Renewal of permission for MBBS course for 3rd batch (150 seats) of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 10/02/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (12th & 13th January 2015) and noted the following:-

1. Deficiency of faculty is 37.23 % as detailed in report.
2. Shortage of Residents is 69.56 % as detailed in the report. All Residents are not staying in the campus.
3. Residents' Hostel: It is under construction.
4. Nurses' Hostel: It is under construction.
5. Residential Quarters: No residential quarters are available for faculty and non-teaching staff.
6. Bed occupancy is 55 % on day of assessment.

7. There was no normal delivery & only 1 Caesarean section on day of assessment.
8. Workload of special Radiological investigations like Ba, IVP is NIL on day of assessment.
9. Histopathology workload is NIL.
10. ICUs: There was only 1 patient each in ICCU, MICU, NICU/PICU and only 2 patients in SICU on day of assessment.
11. ETO Sterilizer is not available.
12. RHTC: It is not under control of Dean which is not as per Regulations.
13. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

“8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year.”

The Committee further observed that the Central Govt. vide its communication dt. 24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999. My opinion has been sought on the following issues:-

- “1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.
2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students.”

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In

such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“.....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be

considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of clause 8(3)(1)(a) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010, 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 (150 seats) of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

42. Stanley Medical College, Chennai – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

Read: the matter with regard to Stanley Medical College, Chennai – renewal of permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (04.03.2015) alongwith assessment report (15th & 16th October, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 150-250 of Stanley Medical College, Chennai under The Tamil Nadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

43. KAP Viswanathan Govt. Medical College, Tiruchiarapalli – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to KAP Viswanathan Govt. Medical College, Tiruchiarapalli – renewal of permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (26.02.2015) along with assessment report (7th & 8th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 100-150 of KAP Viswanathan Govt. Medical College, Tiruchiarapalli under The Tamil Nadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

44. Govt. Thoothukudi Medical College, Thoothukudi – renewal of permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Govt. Thoothukudi Medical College, Thoothukudi – renewal of permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

45. North Bengal Medical College, Darjeeling – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to North Bengal Medical College, Darjeeling – renewal of permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

46. Govt. Medical College, Kozhikode – renewal of permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 200-250 for the academic session 2015-16.

Read: the matter with regard to Govt. Medical College, Kozhikode – renewal of permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 200-250 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

47. Mahatma Gandhi Institute of Medical Sciences, Sevagram, Wardha – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 65-100 for the academic session 2015-16.

Read: the matter with regard to Mahatma Gandhi Institute of Medical Sciences, Sevagram, Wardha – renewal of permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 65-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (09.03.2015) alongwith assessment report (21st & 22nd November, 2014) and noted the following:-

1. Shortage of Residents is 20.9 % as detailed in the report.
2. Deficiency of faculty is 9.2 % as detailed in the report.
3. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 65 to 100 of Mahatma Gandhi Institute of Medical Sciences, Sevagram, Wardha under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

48. Govt. Medical College, Kolkata – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 155-250 for the academic session 2015-16.

Read: the matter with regard to Govt. Medical College, Kolkata – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 155-250 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

49. Krishna Institute of Medical Sciences, Karad – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to Krishna Institute of Medical Sciences, Karad – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (16.03.2015) along with assessment report (31st October & 1st November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 150-200 of Krishna Institute of Medical Sciences, Karad under Krishna Institute of Medical Sciences University (Deemed), Karad u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

50. Bangalore Medical College & Research Institute, Bangalore – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

Read: the matter with regard to Bangalore Medical College & Research Institute, Bangalore – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (16.03.2015) along with assessment report (16th & 17th October, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 150-250 of Bangalore Medical College & Research Institute, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

51. Goa Medical College, Goa – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Goa Medical College, Goa – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (16.03.2015) along with assessment report (28th & 29th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 100-150 of Goa Medical College, Goa under Goa University, Goa u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

52. Burdwan Medical College, Burdwan – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Burdwan Medical College, Burdwan – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

53. Chengalpattu Medical College, Kancheepuram – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Chengalpattu Medical College, Kancheepuram – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (23.03.2015) along with assessment report (7th & 8th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 50-100 of Chengalpattu Medical College, Kancheepuram under The Tamil Nadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

54. Nilratan Sircar Medical College, Kolkata – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

Read: the matter with regard to Nilratan Sircar Medical College, Kolkata – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (17.03.2015) along with assessment report (27th & 28th October, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 150-250 of Nilratan Sircar Medical College, Kolkata under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

55. Dr. S.N. Medical College & Associated Group of Hospital, Jodhpur – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 & 3rd batch of MBBS students against the increase intake i.e. from 150 to 250, for the academic session 2015-16.

Read: the matter with regard to Dr. S.N. Medical College & Associated Group of Hospital, Jodhpur – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 & 3rd batch of MBBS students against the increase intake i.e. from 150 to 250, for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

56. Kurnool Medical College, Kurnool – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to Kurnool Medical College, Kurnool – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (23.03.2015) along with assessment report (13th & 14th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 150-200 of Kurnool Medical College, Kurnool under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

57. Increase of MBBS seats from 100 to 150 at Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun, Uttarakhand for the academic session 2015-16.

Read: the matter with regard to Increase of MBBS seats from 100 to 150 at Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun, Uttarakhand for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (07.04.2015) along with assessment report (28th & 29th January, 2015) and decided to recommend to the Central Govt. to grant Letter of Permission for increase of seats from 100 to 150 in respect of Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun Uttarakhand under H.N.B. Garwhal University u/s 10A of the IMC Act 1956 for the academic year 2015-16.

58. Christian Medical College, Ludhiana – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50-75 for the academic session 2015-16.

Read: the matter with regard to Christian Medical College, Ludhiana – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50-75 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (07.04.2015) along with assessment report (28th & 29th December, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 50-75 of Christian Medical College, Ludhiana under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

59. Dr. Rajendra Prasad Govt. Medical College, Tanda – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Dr. Rajendra Prasad Govt. Medical College, Tanda – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (08.04.2015), assessment report (24th & 25th November, 2014), letter dated 21.04.2015 of Spl.Secretary (Health), Govt. of Himachal Pradesh, Shimla alongwith letter dated 09.04.2015 of the Principal, Dr. Rajendra Prasad Govt. Medical College, Kangra at Tanda and decided to recommend to the Central Govt. to renew the permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50-100 of Dr. Rajendra Prasad Govt. Medical College, Tanda under Himachal Pradesh

University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

60. Guntur Medical College, Guntur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to Guntur Medical College, Guntur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (15.04.2015) along with assessment report (13th & 14th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 150-200 of Guntur Medical College, Guntur under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

61. Recognition/approval of Maulana Azad Medical College, New Delhi for awarded of MBBS degree granted by Delhi University against increased intake i.e. from 180 to 200 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to Recognition/approval of Maulana Azad Medical College, New Delhi for the award of MBBS degree granted by Delhi University against increased intake i.e. from 180 to 200 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (10.04.2015) along with assessment report (10th & 11th December, 2014) and decided to recommend recognition/approval of Maulana Azad Medical College, New Delhi for the award of MBBS degree granted by Delhi University against increased intake i.e. from 180 to 200 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee decided to place the matter before the General Body of the Council.

The Executive Committee of the Council further decided to recommend to the Central Government to renew the permission for admission of 6th batch of MBBS students against increased intake i.e. from 180 to 200 at Maulana Azad Medical College, New Delhi for the academic year 2015-2016.

62. Maulana Azad Medical College, New Delhi – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 200-250 for the academic session 2015-16.

Read: the matter with regard to Maulana Azad Medical College, New Delhi – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 200-250 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (10.04.2015) along with assessment report (10th & 11th December, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 200 to 250 of Maulana Azad Medical College, New Delhi under Delhi University, New Delhi u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

63. Increase of MBBS seats from 150 to 250 at VSS Medical College, Burla, Orissa for the academic session 2015-16.

Read: the matter with regard to Increase of MBBS seats from 150 to 250 at VSS Medical College, Burla, Orissa for the academic session 2015-16.

The Executive Committee of the Council observed that at its meeting dt. 31/01/2015, the Executive Committee had decided as under:

“The Executive Committee of the Council considered the Council Assessors report (20th & 21st January, 2015) and noted the following:-

1. Deficiency of teaching faculty is 32 % as detailed in the report.
2. Shortage of Residents is 27.17 % as detailed in the report.
3. OPD: There are 2-3 Examination Rooms for each department against requirement of 4 as per Regulations. ECG room is not available. Dressing room for males/females is not separate. Plaster room & Plaster cutting room are not separate. Hygiene is not properly maintained. Minor O.T. has no sterility and is open to anybody from outside.
4. Teaching beds and Units are deficient as under:

#	Department	Beds			Units		
		Required	Available	Shortage	Required	Available	Deficit
1	General Medicine	240	180	60	8	6	2
2	Paediatrics	120	90	30	4	3	1
3	Tb & Chest	60 ^	40	20	2	1	1
4	Psychiatry	30	20	10			
5	General Surgery	240	180	60	8	6	2
6	Orthopaedics	150	90	60	5	3	2
7	O.G.	150	100	50	5	4	1
	TOTAL			290			9

[^] As it is a PG department, 60 beds are required for 2 Units.

5. Wards: Distance between 2 beds is less than 1.5 m as required. Hygiene is very poor.
6. OPD attendance is only 2,764 against minimum 3,000 required.
7. There are total only 20 major operations for the whole hospital on day of assessment.
8. Radiological investigation workload is inadequate.
9. O.T.s: Major O.T.s available are 10 against requirement of 11. All O.T.s are having 2 tables which is not as per norms.
10. Radiodiagnosis department: Only 4 static X-ray machines are functional on day of assessment against requirement of 6. AERB approval is available for only one machine.
11. Examination Hall cum Auditorium: New Examination Hall cum Auditorium complex is under construction.
12. Lecture Theaters: One lecture theater of capacity 650 is not available.

13. Central Library: Area available is 2,823 sq.m. against requirement of 4,000 sq.m. as per Regulations. Staff is inadequate.
14. Common Rooms for Boys & Girls are smaller than required.
15. Central Photography section is not available.
16. Students' Hostels: Accommodation available is for 791 students against requirement of 940 as per Regulations.
17. Interns' Hostel: Accommodation available is 182 Interns against requirement of 250 as per Regulations.
18. Dean's office is not available in the affiliated teaching hospital.
19. MRD: It is manual. ICD X classification of diseases is not followed for indexing. Medical Records Officer & Statistician are not available.
20. Casualty: Only 20 beds are available against requirement of 30. Medical officers available are less. Separate ICU for Obstetrics is not available.
21. CSSD: It is one big room of size 15'x15' having 2 horizontal autoclaves and nothing else which is inadequate. Staff is inadequate.
22. Anatomy department: Facilities are poorly maintained.
23. RHTC: letter for administrative control with Dean is not available. There is no ward.
24. UHC: Specialists' visits are not organized.
25. Other deficiencies as pointed out in the assessment report.

In view of the above, as the applicant college does not meet the Qualifying Criterion 6(b)(i) & 6(b)(ii) of Opening of New or Higher Courses of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including Postgraduate Course of Study or Training) (Amendment) Regulations, 2009 (Part-III) as number of teaching beds are 810 as against required 1100 and OPD attendance is 2,764 as against the required 3,000, the Executive Committee of the Council decided to return the application for increase in MBBS seats from 150 to 250 at VSS Medical College, Burla, Orissa under Sambalpur University u/s 10A of the IMC Act 1956 for academic year 2015-16 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt.24.03.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central	15th May

	Government for issue of Letter of Permission.	
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme Court in Mridul Dhar's case is as under:

"1-13.
14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.
15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied *stricto sensu* and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and *esemplastically*, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of *Ms. Neelu Arora & Anr. v. UOI & Ors.* [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

1. The querist – Medical Council of India has sought my opinion in the case of VSS Medical College, Burla, Orissa who has applied for increase in admission capacity from 150 to 250 MBBS seats from the academic session 2015-16.
 2. I have gone through the documents placed by the querist for perusal and have also discussed the matter in detail for the querist.
 3. On perusal of the Opening of New or Higher Course of Study or Training (including Postgraduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (Including Postgraduate Course of Study or Training), Regulations, 2000 [“Regulations” for short], the maximum number of MBBS seats in a medical college was earlier 150 which was subsequently increased to 200 & 250 MBBS seats by an amendment dated 9.12.2009.
 4. According to the amendment the following conditions were required to be fulfilled by a medical college in order to apply for 200/250 MBBS admissions annually:-
 “6. The maximum number of admissions in MBBS course shall not exceed 250 annually provided that the eligibility criteria for fixing upper ceiling of annual intake to 200/250 admissions annually shall be as under:-
 (a) For annual intake capacity of 200
 (i) Number of teaching beds not less than 900 with standing of not less than 10 years.
 (ii) OPD strength per day not less than 2000.
 (iii) Bed occupancy: Average not less than 75%.
 (iv) The hospital must be unitary.
 (b) For annual intake capacity of 250
 (i) Number of teaching beds not less than 1100 with standing of not less than 10 years.
 (ii) OPD strength per day not less than 3000
 (iii) Bed occupancy : Average not less than 75%
 (iv) The hospital must be unitary
5. In the case of medical college in question, the querist, after evaluating the scheme submitted by the medical college, had carried out the physical assessment of the medical college on 20/21.01.2015. The assessment report dated 20/21/01/2015 was considered by the Executive Committee of the querist in its meeting held on 31.01.2015, wherein the Executive Committee of the querist observed the following deficiencies:-
 1. Deficiency of teaching faculty is 32% as detailed in the report.
 2. Shortage of Residents is 27.17% as detailed in the report.
 3. OPD : There are 2-3 Examination Rooms for each department against requirement of 4 as per Regulations. ECG room is not available. Dressing room for males/females is not separate. Plaster room & Plaster cutting room are not separate. Hygiene is not properly maintained. Minor O.T. has no sterility and is open to anybody from outside.
 4. Teaching beds and Units are deficient as under:

#	Department	Beds			Units		
		Required	Available	Shortage	Required	Available	Deficient
1	Gen.Medicine	240	180	60	8	6	2
2	Paediatrics	120	90	30	4	3	1
3	TB & Clhest	60 ^	40	20	2	1	1
4	Psychiatry	30	20	10			
5	Gen.Surgery	240	180	60	8	6	2
6	Orthopaedics	150	90	60	5	3	2
7	O.G.	150	100	50	5	4	1
	TOTAL			290			9

^ As it is a PG department, 60 beds are required for 2 Units.

5. Wards: Distance between 2 beds is less than 1.5 m as required Hygiene is very poor.
6. OPD attendance is only 2,764 against minimum 3,000 required.
7. There are total only 20 major operations for the whole hospital on day of assessment.
8. Radiological investigation workload is inadequate.
9. O.T.s: Major O.T.s available are 10 against requirement of 11. All O.T.s are having 2 tables which is not as per norms.
10. Radiodiagnosis department: Only 4 static X-ray machines are functional on day of assessment against requirement of 6. AERB approval is available for only one machine.
11. Examination Hall cum Auditorium: New Examination Hall cum Auditorium complex is under construction.
12. Lecture Theatres: One lecture theatre of capacity 650 is not available.

13. Central Library: Area available is 2,823 sq.m. against requirement of 4,000 sq.m. as per Regulations. Staff is inadequate.
14. Common Rooms for Boys & Girls are smaller than required.
15. Central Photography section is not available.
16. Students' Hostels: Accommodation available is for 791 students against requirement of 940 as per Regulations.
17. Interns' Hostel: Accommodation available is 182 interns against requirement of 250 as per Regulations.
18. Dean's office is not available in the affiliated teaching hospital.
19. MRD: It is manual. ICD X classification of diseases is not followed for indexing. Medical Records Officer & Statistician are not available.
20. Casualty: Only 20 beds are available against requirement of 30. Medical Officers available are less. Separate ICU for Obstetrics is not available.
21. CSSD: It is one big room of size 15'x15' having 2 horizontal autoclaves are nothing else which is inadequate. Staff is inadequate.
22. Anatomy department: Facilities are poorly maintained.
23. RHTC: letter for administrative control with Dean is not available. There is no ward.
24. UHC: Specialists' visit are not organized.
25. Other deficiencies as pointed out in the assessment report.
6. It was observed by the Executive Committee of the querist that apart from other deficiencies the applicant medical college failed to fulfill the requirement of teaching beds as well as OPD attendance as per the Regulations.
7. On the day of the assessment, there were only 810 teaching beds available in the applicant medical college as against the requirement of 1,100 teaching beds provide under the Regulations. Further on the said day the OPD attendance was found to be 2,764 as against the minimum requirement of 3,000 OPD attendance as provided under the Regulations.
8. In view of the fact that the applicant college did not meet the Qualifying Criterion prescribed under Regulations 6(b)(i) & 6(b)(ii) of Opening of New or Higher Courses of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including Postgraduate Course of Study or Training)(Amendment) Regulations, 2009, the Executive Committee of the querist vide its letter dated 31.01.2015 communicated its decision to return the application for increase in MBBS seats from 150 to 250 at VSS Medical College, Burla, Orissa under Sambalpur University u/s 10 A of the IMC Act, 1956 for academic year 2015-16 recommending disapproval of the scheme to the Central Govt.
9. The Central Govt. constituted a committee to grant an opportunity of personal hearing to all the medical colleges wherein the querist had recommended disapproval/not to grant permission to the applicant medical colleges for running undergraduate courses for academic year 2015-16 including the applicant college. The committee constituted by the Central Govt. granted personal hearing to the authorized representatives of the medical college on 11th, 12th, & 13th March, 2015. The Central Govt. based upon the compliance submitted by the medical colleges, forwarded the compliance submitted by the applicant medical college dated 12.03.2015 to the querist for reviewing its earlier decision and render its fresh recommendation.
10. The applicant medical college in their compliance with regard to the shortage of teaching beds, has mainly stated that either the construction is being made now or is at the final stage or the renovation is in progress. In the case of OPD attendance, the applicant college has accepted the deficiency.
11. The issue which requires to be considered in the present case is as to whether the applicant medical college which fails to fulfill the statutory mandatory requirement as prescribed in the Opening of New or Higher Courses of Study or Training (including Postgraduate Courses of Study or Training) and increase of admission capacity in any course of Study or Training)(Amendment) Regulations, 2000 regarding minimum number of teaching beds as well as minimum OPD attendance could be considered by the querist for rendering its recommendation in favour of the applicant. In this regard I have already considered the cases of medical colleges which have failed to fulfill the qualifying criteria at the time of submitting their application, the relevant portion of my opinion is reproduced hereunder:-

“.....

 13.In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation (2) which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a “defect in the scheme or absence of any necessary particulars”; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. *In other words, if the querist, on physical inspection/verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300 bed hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A(4) without the involvement of the querist.*
-
16. *In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt. there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects."*
17. *In view of the above, I am of the opinion, that the application of the applicant medical college cannot be processed since the applicant is not fulfilling threshold mandatory criteria as prescribed in the mandatory Regulations.*

In view of above and legal opinion of Ld. Additional solicitor General of India and upon application of Qualifying Criterion 6(b)(i) & 6(b)(ii) of Opening of New or Higher Courses of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including Postgraduate Course of Study or Training) (Amendment) Regulations, 2009 (Part-III) as number of teaching beds are 810 as against required 1100 and OPD attendance is 2,764 as against the required 3,000, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for increase in MBBS seats from 150 to 250 at VSS Medical College, Burla, Orissa under Sambalpur University u/s 10A of the IMC Act 1956 for academic year 2015-16 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

64. Increase of MBBS seats from 100 to 150 at School of Medical Sciences & Research, Sharda University, Greater Noida for the academic session 2015-16.

Read: the matter with regard to Increase of MBBS seats from 100 to 150 at School of Medical Sciences & Research, Sharda University, Greater Noida for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (09.04.2015) along with assessment report (13th & 14th January, 2014) and decided to recommend to the Central Govt. to grant Letter of Permission for increase of seats from 100 to 150 u/s 10A of the IMC Act 1956 in respect of School of Medical Sciences & Research, Sharda University, Greater Noida under Sharda University, Greater Noida for the academic year 2015-16.

65. S.C.B. Medical College, Cuttack – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

Read: the matter with regard to S.C.B. Medical College, Cuttack – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (08.04.2015) along with assessment report (27th & 28th October, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-250 in respect of S.C.B. Medical College, Cuttack under Utkal University, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

66. Vijyanagar Institute of Medical Sciences, Bellary – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Vijyanagar Institute of Medical Sciences, Bellary – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

67. Pt. B.D. Sharma Postgraduate Institute of Medical Sciences, Rohtak – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to Pt. B.D. Sharma Postgraduate Institute of Medical Sciences, Rohtak – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

68. Renewal of permission for MBBS course for 2nd batch (100 seats) of Mount Zion Medical College, Pathanamthitta, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (100 seats) of Mount Zion Medical College, Pathanamthitta, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (17th April 2015) alongwith previous assessment report (05th & 06th January 2015) and noted the following:-

1. Deficiency of teaching faculty is 75% as detailed in report.
2. Shortage of Residents is 88% as detailed in report.
3. In most of OPDs, no doctors were present.
4. Out of 54 patients in Casualty On day of assessment, none was admitted as IPD.
5. Bed Occupancy is 28% on day of assessment.
6. NIL special investigations like Ba, IVP were carried out on day of assessment.
7. Number of Major operations is only 5 & of Minor operations only 1 on day of assessment.
8. There was NIL normal delivery & NIL Caesarean section on day of assessment.

9. ETO Sterilizer is not available.
10. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (100 seats) of Mount Zion Medical College, Pathanamthitta, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

69. Establishment of new medical college at Jupudi, Krishna Dist., Andhra Pradesh by Nimra Educational Society, Hyderabad with an annual intake of 150 students under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Jupudi, Krishna Dist., Andhra Pradesh by Nimra Educational Society, Hyderabad with an annual intake of 150 students under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

70. Establishment of new medical college at Koppal, Karnataka by Government of Karnataka with an annual intake of 150 students under Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Koppal, Karnataka by Government of Karnataka with an annual intake of 150 students under Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

71. Assessment of the physical and other teaching facilities available for Establishment of new medical college at Vishakhapatnam, Andhra Pradesh by Gandhi Institute of Technology and Management (GITAM) (Deemed to be University), Visakhapatnam, Andhra Pradesh with an annual intake of 150 MBBS students u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to assessment of the physical and other teaching facilities available for Establishment of new medical college at Vishakhapatnam, Andhra Pradesh by Gandhi Institute of Technology and Management (GITAM) (Deemed to be University), Visakhapatnam, Andhra Pradesh with an annual intake of 150 MBBS students u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the Council Assessors report (17th & 18th April, 2015) and decided to recommend to the

Central Govt. to issue Letter of Permission for establishment of new medical college at Vishakhapatnam, Andhra Pradesh by Gandhi Institute of Technology and Management (GITAM) (Deemed to be University), Visakhapatnam, Andhra Pradesh with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

72. Recognition/approval of Dr. V.R.K. Women's Medical College, Aziznagar, Andhra Pradesh for the award of MBBS degree (100 seats) granted by Dr. N.T.R University of Health Sciences, Vijayawada u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Dr. V.R.K. Women's Medical College, Aziznagar, Andhra Pradesh for the award of MBBS degree (100 seats) granted by Dr. N.T.R University of Health Sciences, Vijayawada u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16th April 2015) alongwith previous assessment report (13th & 14th February, 2015) and noted the following:-

1. Deficiency of faculty is 23.89% as detailed in the report.
2. Shortage of Residents is 43.86% as detailed in report.
3. 31 Residents did not sign attendance sheet in the morning claiming they were in wards, O.T., etc. which is not permissible.
4. Although bed occupancy was claimed to be 416 out of 500, actual numbers of patients seen & counted was 266 out of 500 – i.e. 53%.
5. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Dr. V.R.K. Women's Medical College, Aziznagar, Andhra Pradesh for the award of MBBS degree granted by Dr. N.T.R University of Health Sciences, Vijayawada u/s 11(2) of the IMC Act, 1956 and further decided to recommend to the Central Govt. not to renew the permission for admission of 6th batch (100 seats) of Dr. V.R.K. Women's Medical College, Aziznagar, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The committee also decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration to recognize/approve Dr. V.R.K. Women's Medical College, Aziznagar, Andhra Pradesh for the award of MBBS degree granted by Dr. N.T.R University of Health Sciences, Vijayawada u/s 11(2) of the IMC Act, 1956.

73. Joint Inspection of the physical and the other teaching facilities available for admission in MBBS course (150 seats) for the academic year 2015-16 of A.C.S. Medical College & Hospital, Chennai under the Dr. MGR Educational & Research Institute University u/s 10A of the IMC Act, 1956 in pursuance of the Hon'ble Supreme Court Order dated 11/02/2015 passed in SLP© No. 32770-72/2014-mci Vs. Dr. MGR Educational & Research Institute University & anr.

Read: the matter with regard to joint Inspection of the physical and the other teaching facilities available for admission in MBBS course (150 seats) for the academic year 2015-16 of A.C.S. Medical College & Hospital, Chennai under the Dr. MGR Educational & Research Institute University u/s 10A of the IMC Act, 1956 in pursuance of the Hon'ble Supreme Court Order dated

11/02/2015 passed in SLP© No. 32770-72/2014-mci Vs. Dr. MGR Educational & Research Institute University & anr.

The Executive Committee of the Council considered the joint assessment report carried out by the MCI, MOH&FW, UGC and MHRD (10th & 11th April 2015) in pursuance of the Hon'ble Supreme Court Order dated 11/02/2015 passed in SLP© No. 32770-72/2014-mci Vs. Dr. MGR Educational & Research Institute University & anr. and noted the following:-

- 1.(A) Deficiency of faculty is 22% as detailed in report.
 - (a) 3 Assistant Professors & 1 Tutor cannot be considered as faculty because they were absent/not signed attendance sheet before 11 a.m. as detailed in report.
 - (b) Dr. B. Balvidhya, Tutor in Physiology cannot be considered as faculty as address mentioned in Declaration Form is 300 km. away from Chennai & no address proof of Chennai address was shown for verification.
 - (c) Dr. K. Kiruba, Tutor in Pathology cannot be considered as faculty as no original certificates were produced.
 - (d) Dr. M. Padmini, Asst. Prof. in General Medicine cannot be considered as faculty as she does not know Senior/Junior Residents working under her and she does not have any mobile numbers of Residents.
 - (e) Dr. M. Ganesan, Asst. Prof. in General Medicine cannot be considered as faculty as declaration on P.5 of the faculty is not in his handwriting and there is no clarity about private practice & duty hours in college.
 - (f) 7 persons as detailed in report cannot be considered as faculty as original address proof was not submitted.
 - (g) 5 Asst. Prof. as detailed in report cannot be considered as faculty as proof of Residency was not submitted.
 - (h) In view of above, deficiency of faculty is 22% as detailed in report.
 - (i) Accommodation for faculty of all clinical departments are provided in one area of the hospital in small cubicles. No name plates & its use were noticed.

1(B). Deficiency of Residents is 59.15%

- (a) 2 Senior Residents & 2 Junior Residents cannot be considered as faculty as they were absent/not signed attendance sheet before 11 a.m. as detailed in report.
 - (b) Dr. R. Ramya, Senior Resident in Paediatrics cannot be considered as she has not submitted proof of Residency.
 - (c) Dr. P. Narendra, Senior Resident in Skin & VD cannot be considered as he does not know his Assistant Professor or Junior Residents.
 - (d) Dr. M. Aravindham, Senior Resident in General Surgery cannot be considered as he has given false information in Declaration Form as it was found out during assessment that he has not worked during the period from 03/06/2011 and 13/07/2013.
 - (e) As many as 78 Senior/Junior Residents as detailed in report cannot be considered as they are not staying in Residents' hostel/campus.
- In view of above, deficiency of Residents is 59.15% as detailed in report.

2. Wards: A few wards have common Examination cum Treatment Room, Duty Room, Pantry between two wards of same or another department as detailed in the report. There are no separate departmental offices or Faculty rooms. Many cubicles are lying vacant which are designated as Professor/Associate Professor/ Assistant Professor/ Residents and which are used by different faculty without having specific room for specific consultancy which

is not as per norms. Patients are adequate but sick patients & major surgeries are few.

3. Clinical Material: Wards were full but sick patients were very few. There were very few patients on I.V. fluids. Surgical wards had very few post-operative patients operated 4-7 days before.
4. Number of deaths for 2014 was only 12 which is very low for a tertiary care medical college affiliated hospital.
5. Number of deliveries for 2014 is only 99 – i.e. 0.33/day which is grossly inadequate. Although it has improved to 115 in first 3 months, it is still inadequate at daily average of 1.3/day.
6. Histopathology data are manipulated. Two separate registers are kept – one genuine & another fake showing inflated data. Orthopaedics Senior resident has given in writing that samples from Orthopaedics go to Apollo Hospital.
7. Casualty: Disaster trolley is not equipped. There are 25 beds distributed in 4 rooms with only 1 Nursing station which is inadequate. Occupancy was only 4 out of 25 beds at the time of assessment.
8. O.T.s: Infusion Pump & Defibrillators are not available in several O.T.s
9. ICUs: There is no separate Surgical ICU except a common 10 bed postoperative ward common to all departments. There is no separate Paediatric ICU except NICU. Many patients were not very sick and majority did not require ICU admission.
10. Blood Bank: Number of Units dispensed in a day is only 103 which is inadequate. It also reflects poor quality of operative workload.
11. Examination Hall cum Auditorium: Available facility is not suitable as Auditorium.
12. Common Rooms for Boys & Girls: Available area is 120 Sq.m. each against requirement of 150 sq.m. each as per Regulations.
13. Hostels for Students, Interns, Residents, Nurses: Hygiene needs improvement.
14. MRD: It is partly computerized.
15. RHTC: There is no evidence of specialists' visit.
16. Comments on functioning of deemed to be University indicate that it is not functioning as a University, is not maintaining credibility of examination & other authorities of deemed to be University. Perusal of appointment order of Dr. G. Gunavathy, Professor & HOD Physiology, dated 30.09.2009 and resolutions of Finance Committee indicate that salary is not being paid as per UGC norms as required.
17. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided that A.C.S. Medical College & Hospital, Chennai under the Dr. MGR Educational & Research Institute University should not be allowed to admit students in the academic year 2015-16 u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

“8(3)(1).....

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of MBBS degree.

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <70%, such an institute will not be considered for renewal of permission in that Academic Year."

In view of the above, the Executive Committee of the Council also decided to recommend not to recognize A.C.S. Medical College & Hospital, Chennai under the Dr. MGR Educational & Research Institute University u/s 11(2) of the IMC Act, 1956

The committee also decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration to recognize A.C.S. Medical College & Hospital, Chennai under the Dr. MGR Educational & Research Institute University u/s 11(2) of the IMC Act, 1956.

74. Establishment of new medical college at Gulbarga, Karnataka by Govt. of Karnataka with an annual intake of 150 students under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Gulbarga, Karnataka by Govt. of Karnataka with an annual intake of 150 students under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

75. Establishment of new medical college at Malappuram, Kerala by Sreevalsam Educational Trust, Thrissur, Kerala with an annual intake of 150 students under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Malappuram, Kerala by Sreevalsam Educational Trust, Thrissur, Kerala with an annual intake of 150 students under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (17th April 2015) alongwith previous assessment report (19th & 20th December, 2014) and noted the following:

1. Deficiency of teaching faculty is 66.67 % as detailed in report.
2. Shortage of Residents is 82.22 % as detailed in report.
3. Bed occupancy is 30 % on day of assessment.
4. O.T.: Only 4 O.T.s are available against requirement of 5 as per Regulations.
5. ICUs: Only 1 patient each was present in NICU/PICU & only 2 patients were present in ICCU on day of assessment.
6. Special investigations like Ba, IVP were not carried out on day of assessment.
7. Other deficiencies as observed in the report.

In view of the above committee decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Malappuram, Kerala by Sreevalsam

Educational Trust, Thrissur, Kerala under Kerala University of Health Sciences, Thrissur, Kerala with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

76. Renewal of permission for MBBS course for 4th batch (150 seats) of GMERS Medical College, Gandhinagar, Gujarat under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of GMERS Medical College, Gandhinagar, Gujarat under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (04th April 2015) alongwith previous assessment report (27th & 28th November 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (150 seats) of GMERS Medical College, Gandhinagar, Gujarat under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

77. Establishment of new medical college at Israna, Panipat, Haryana by Shanti Devi Charitable Trust, Pitampura, New Delhi with an annual intake of 150 students under Pandit Bhagwat Dayal Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Israna, Panipat, Haryana by Shanti Devi Charitable Trust, Pitampura, New Delhi with an annual intake of 150 students under Pandit Bhagwat Dayal Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (15th April 2015) alongwith previous assessment reports (13th & 14th Jan., and 23rd & 24th Jan., 2015) and noted the following:

1. Deficiency of faculty is 30% as detailed in report.
2. Shortage of Residents is 66% as detailed in report.
3. Only 10 USG examinations were performed by 1 Senior Resident in Radiodiagnosis department. Workload is still inadequate.
4. Laboratory investigations workload is still inadequate.
5. Histopathology workload was NIL & Cytopathology workload was only 1 on day of assessment.
6. ICUs: There was no patient in PICU/NICU on day of assessment.
7. Number of deliveries: It is grossly inadequate. Last normal delivery was conducted on 11/02/2015 & last Caesarean section was conducted on 09/04/2015. Thus no normal has been conducted for 4 days & no Caesarean section has been performed for 6 days. (Day of assessment was 15/04/2015).
8. Nursing staff: All Nurses do not carry I card.
9. Bed occupancy was 55% on day of assessment.
10. In hospital, many patients were not genuine but fake. In Gynaecology ward, in respect of one patient by name of Pooja Rani, the case paper shows that she was admitted on 14/04/2015 but patient has given written statement that she had come on 15/04/2015 in morning only for Sonography and knew nothing about indoor admission.
11. In Paediatrics ward, 4 patients by names of Vishal, Ajay, Raja & Prince are not genuine patients. Their indoor case sheets were

not available. No treatment was given & they were not examined by doctors. No relative or caretaker was available with them.

12. Dr. A.C. Bajaj, Asso. Prof. of Radiodiagnosis has stated in his Declaration Form, countersigned by Dean, that he is not practicing. However, he has given a written statement that he is doing private practice after office hours.
13. More than half of patients in wards did not have indoor case paper sheets or no entry in indoor ward register.
14. Medical Superintendent was not aware of location of laboratory, O.T., ICU, etc.
15. Many patients in OPD had vague complaints for which patients usually do not come to the hospital.
16. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Israna, Panipat, Haryana by Shanti Devi Charitable Trust, Pitampura, New Delhi under Pandit Bhagwat Dayal Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Committee further decided that the matter be placed before Ethics Committee.

78. Recognition/approval of Sri Muthukumaran Medical College, Hospital & Research Institute, Chennai for the award of MBBS degree (150 seats) granted by The Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Sri Muthukumaran Medical College, Hospital & Research Institute, Chennai for the award of MBBS degree (150 seats) granted by The Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

79. Renewal of permission for MBBS course for 4th batch (150 seats) of GMERS Medical College, Dharpur, Patan, Gujarat under Hemchandarya North Gujarat University, Patan u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of GMERS Medical College, Dharpur, Patan, Gujarat under Hemchandarya North Gujarat University, Patan u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (11th April 2015) alongwith previous assessment report (27th & 28th November 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (150 seats) of GMERS Medical College, Dharpur, Patan, Gujarat under Hemchandarya North Gujarat University, Patan u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

80. Renewal of permission for MBBS course for 5th batch (150 seats) of Chintpurni Medical College & Hospital, Gurdaspur Punjab under Baba Farid University of Health Sciences, Faridkot, Punjab u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (150 seats) of Chintpurni Medical College & Hospital, Gurdaspur Punjab under Baba Farid University of Health Sciences, Faridkot, Punjab u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (15th April 2015) alongwith previous assessment report (05th & 6th December 2014) and noted the following:-

1. No physical verification of any faculty was allowed.
2. No Senior Residents were available for physical verification.
3. Examination Hall cum Auditorium: Finishing work is going on. It is not functional. Deficiency remains as it is.
4. Lecture Theatre: They were not shown to assessors. Deficiency remains as it is.
5. No work was going on in the hospital.
6. ICUs were not shown to assessors.
7. No one was willing to take assessors to various departments of hospital. Therefore other deficiencies could not be verified.
8. No patient was seen in OPD or in any ward.
9. The assessment team reached the mentioned college at 9.10 am on 15.4.2015. The vehicle was stopped at the entrance and the team was not allowed to enter the premises. Later on entering it was observed that the OPD waiting area and all the rooms were absolutely vacant (vide in enclosed CD). Principal's and Medical Superintendent's rooms were locked. 2 to 3 doctors approached the team and said that they had instructions from their Chairman to not allow the assessment to be conducted. Meanwhile one of the assessor went around the hospital and college taking pictures. Later he was prevented from doing so. Pictures are in the enclosed CD. All beds in the wards were empty. No papers were provided. Attendance of pre and some para clinical departments was taken by the assessors. After about 2 hours the team of assessors left the premises after giving them a copy of the MCI assessment order.
10. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. to reiterate its earlier decision not to renew the permission for admission of 5th batch (150 seats) of Chintpurni Medical College & Hospital, Gurdaspur Punjab under Baba Farid University of Health Sciences, Faridkot, Punjab u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

It was further brought to the notice of the Executive Committee that the college authorities have filed a Writ Petition (C) No. 1182/2015 before the Hon'ble Delhi High Court, and the case was listed on 28.04.2015. The Hon'ble Delhi High Court adjourned the case to 5th May, 2015 in view of the matter regarding renewal of permission for admission of 5th batch (150 seats) of Chintpurni Medical College & Hospital, Gurdaspur Punjab under Baba Farid University of Health Sciences, Faridkot, Punjab being placed before the Executive Committee on 29th April, 2015 and has directed the Council Advocate to place the recommendations of the Executive Committee before the Hon'ble Court on 5th May, 2015.

The above minutes were read and confirmed in the meeting itself.

81. **Establishment of new medical college at Kanaka Mamidi, R.R District., Andhra Pradesh by Ayaan Education Society, Hyderabad with an annual intake of 150 students under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.**

Read: the matter with regard to establishment of new medical college at Kanaka Mamidi, R.R District., Andhra Pradesh by Ayaan Education Society, Hyderabad with an annual intake of 150 students under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (18th April 2015) alongwith previous assessment report (19th & 20th December, 2014) and noted the following:

1. Deficiency of faculty is 11.70% as detailed in report.
2. Shortage of Residents is 11.11% on the day of assessment. Most of the Residents are not residing in campus.
3. Most patients were admitted on morning of day of assessment. The case papers did not carry OPD/IPD numbers. Complaints of patients did not match with speciality in which they were admitted.
4. Children admitted in PICU were apparently not suffering from serious ailments; their OPD or indoor cases records were not available.
5. Bed occupancy was 42.6% on day of assessment.
6. Only 1 operated patient was found in post-operative ward.
7. There were NIL normal deliveries & NIL Caesarean section on day of assessment.
8. No requisitions for laboratory tests were found. It was not recorded in their case sheets as well.
9. Most Resident doctors allotted to wards were not familiar with patients in that particular ward.
10. Discharge summaries of patients were not provided although requested.
11. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Kanaka Mamidi, R.R District., Andhra Pradesh by Ayaan Education Society, Hyderabad under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

82. **Establishment of new medical college at Kaithal, Haryana by Dr. Puran Chand Dharmarth Trust, Gurgaon, Haryana with an annual intake of 150 students under Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.**

Read: the matter with regard to establishment of new medical college at Kaithal, Haryana by Dr. Puran Chand Dharmarth Trust, Gurgaon, Haryana with an annual intake of 150 students under Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

83. Consideration of Compliance verification with regard to continuance of recognition of MBBS degree granted by University of Jammu in respect of students being trained at Acharya Shri Chander College of Medical Sciences, Jammu.

Read: the matter with regard to consideration of compliance verification with regard to continuance of recognition of MBBS degree granted by University of Jammu in respect of students being trained at Acharya Shri Chander College of Medical Sciences, Jammu.

The Executive Committee of the Council considered the compliance verification assessment report (March 2015) alongwith the assessment report (24th & 25th August, 2012) and decided to recommend that recognition of MBBS degree granted by University of Jammu in respect of students being trained at Acharya Shri Chander College of Medical Sciences, Jammu be continued restricting the number of admission to 100 (One Hundred) students.

84. Pre-PG Assessment – Assessment of the physical and other teaching facilities available for starting of PG course at Raichur Institute of Medical Sciences, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

Read: the matter with regard to Pre-PG Assessment – Assessment of the physical and other teaching facilities available for starting of PG course at Raichur Institute of Medical Sciences, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (March,2015) alongwith the assessment report (22nd Sept., 2014) and noted the following:-

1. Deficiency of teaching faculty is 32.7% as detailed in the report.
2. Shortage of Residents is 65.7% as detailed in the report.
3. Lecture Theatres: There is no facility for E class.
4. Central Library: There are no hard copies of journals for 2013-2014.
5. Common Rooms for Boys & Girls are smaller than required.
6. OPD: Only 2 rooms are available for examination in major departments against requirement of 4 rooms. Only 2 teaching areas are available amongst all OPDs. Minor O.T. is not available. Injection room is common for males & females. In Ophthalmology OPD, refraction room, dark room & minor procedure room are all located in 1 common room. Speciality clinics are not available in paediatrics & OG OPDs.
7. Speech Therapist is not available. Portable Audiometry cabin is available, however, no Audiometry is being done.
8. Teaching beds: Only 343 beds are available against requirement of 500 beds. No beds are available for TB & Chest.
9. Casualty: It has only 7 beds. Separate Casualty for O.G is not available.
10. O.T.s: Equipment like infusion pumps are not available. There is only 1 Ventilator amongst all O.T.s
11. Radiodiagnosis department: Only 5 mobile X-ray machines are available against requirement of 6 as per Regulations. Only 2 USG machines are available against requirement of 3 as per Regulations. AERB approval is not available.
12. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(one) month's time to the institute to submit the compliance on rectification of deficiencies to the Council.

85. Consideration of Pre-PG & Compliance Verification Assessment report with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Terna Medical College, Navi Mumbai.

Read: the matter with regard to consideration of Pre-PG & Compliance Verification Assessment report with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Terna Medical College, Navi Mumbai.

The Executive Committee of the Council considered the compliance verification assessment report (March 2015) alongwith the assessment report (11th & 12th Sept., 2014) and noted the following:-

1. Clinical material at own hospital of institute is inadequate as under:-
 - (a) OPD attendance: 350
 - (b) Bed occupancy: 16%.
 - (c) Number of Major operations: 6
2. Bed occupancy is only 51% even taking into consideration both hospitals – NMMC hospital & own hospital.
3. Special investigations like Ba, IVP are not carried out at either hospital.
4. Shortage of Residents is 16.8% as detailed in report.
5. Administrative control of NMMC Hospital is with Navi Mumbai Municipal Corporation & not with the institute.
6. OPD: Only 2 rooms are available for major departments at NMMC Hospital.
7. Medical Superintendent of NMMC Hospital Dr.Ashok Jain has NIL administrative experience and hence cannot be considered. He is neither an employee of the institute nor a faculty borne on strength of this institute. Deficiency remains as such.
8. At NMMC Hospital, there is no speech therapist.
9. There are no separate wards for Skin & VD at NMMC Hospital.
10. Laboratory & Radiological investigations workload are inadequate at own hospital.
11. Separate casualty for O.G. is not available at either hospital.
12. X-ray machines are inadequate at own hospital.
13. RHTC is in rented place. Formal mess is not available.
14. Residential quarters are not available for faculty. Rented accommodation is made available for non-teaching staff which is inadequate.
15. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(one) month time to the institute to submit the compliance on rectification of deficiencies to the Council and further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

- (c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

86. Increase of MBBS seats from 100 to 150 at Dr. Somervell Memorial CSI Medical College & Hospital, Thiruvananthapuram for the academic session 2015-16.

Read: the matter with regard to increase of MBBS seats from 100 to 150 at Dr. Somervell Memorial CSI Medical College & Hospital, Thiruvananthapuram for the academic session 2015-16.

The Executive Committee of the Council considered the compliance submitted by the Dean of the college vide letter dated 15.04.2015 alongwith the letter of the Central Government, Ministry of Health & F.W., dated 17.04.2015 and decided to verify the compliance by way of assessment.

87. Increase of seats in MBBS course from 100 to 150 at Rama Medical College Hospital & Research Centre, Kanpur, UP for the academic session 2015-16 in pursuance of Hon'ble Supreme Court order dated 01.08.2014 in CA No. 7117/2014 – Rama Medical College Hospital Vs. UOI & Amr.

Read: the matter with regard to increase of seats in MBBS course from 100 to 150 at Rama Medical College Hospital & Research Centre, Kanpur, UP for the academic session 2015-16 in pursuance of Hon'ble Supreme Court order dated 01.08.2014 in CA No. 7117/2014 – Rama Medical College Hospital Vs. UOI & Amr.

The Executive Committee of the Council considered the compliance submitted by the Principal, Rama Medical College Hospital & Research Centre, Kanpur vide letter dated 13.04.2015 and decided to verify the compliance by way of assessment only with regard to application of section 8(3)(1)(c).

88. Govt. Mohan Kumaramangalam Medical College, Salem – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 75-100 for the academic session 2015-16.

Read: the matter with regard to Govt. Mohan Kumaramangalam Medical College, Salem – Renewal of Permission for admission of 3rd Batch of MBBS

students against the increased intake i.e. from 75-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (20.04.2015) along with assessment report (7th & 8th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 75-100 of Govt. Mohan Kumaramangalam Medical College, Salem under The Tamil Nadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

89. Sardar Patel Medical College, Bikaner – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 & 3rd batch of MBBS students against the increase intake i.e. from 150 to 250 for the academic session 2015-16.

Read: the matter with regard to Sardar Patel Medical College, Bikaner – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 & 3rd batch of MBBS students against the increase intake i.e. from 150 to 250 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

90. Rajendra Institute of Medical Sciences, Ranchi, Jharkhand – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 90-150 for the academic session 2015-16.

Read: the matter with regard to Rajendra Institute of Medical Sciences, Ranchi, Jharkhand – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 90-150 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

91. Katihar Medical College, Katihar – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2015-16.

Read: the matter with regard to Katihar Medical College, Katihar – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (17.04.2015) alongwith assessment report (5th & 6th December, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 60-100 of Katihar Medical College, Katihar under B.N. Mandal University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

92. Mysore Medical College & Research Centre, Mysore – Renewal of Permission for admission of 5th Batch of MBBS students against

the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Mysore Medical College & Research Centre, Mysore – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (20.04.2015) along with assessment report (2nd & 3rd December, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 100-150 of Mysore Medical College & Research Centre, Mysore under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

93. Institute of Medical Sciences & SUM Hospital, Bhubaneswar – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Institute of Medical Sciences & SUM Hospital, Bhubaneswar – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (18.04.2015) along with assessment report (25th & 26th February, 2015) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 100-150 of Institute of Medical Sciences & SUM Hospital, Bhubaneswar under Siksha 'O' Anusandhan University, Bhubaneswar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

94. Increase of MBBS seats from 100 to 150 at KMCT Medical College, Kozhikode, Kerala for the academic session 2015-16 – regarding.

Read: the matter with regard to increase of MBBS seats from 100 to 150 at KMCT Medical College, Kozhikode, Kerala for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (18.04.2015) along with assessment report (12th & 13th January, 2015) and noted the following:-

1. Shortage of Residents is 26.92% as detailed in report.
2. Deficiency of faculty is 6.66% as detailed in report.
3. Bed occupancy was only 40.8% on the day of assessment. A large number of admitted patients did not merit admission.
4. Only 2 patients were admitted in Casualty on the day of assessment.
5. Number of Major operations was only 11 & of Minor operations only 13 on day of assessment.
6. Dr.K.M. Navas, shown as Medical Superintendent does not have administrative experience of 10 years; hence cannot be considered.
7. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of the

scheme for increase of seats from 100 to 150 u/s 10A of the IMC Act 1956 in respect of KMCT Medical College, Kozhikode, Kerala under Calicut University for the academic year 2015-16.

The Executive Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

95. Gandhi Medical College, Bhopal – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 140-150 for the academic session 2015-16.

Read: the matter with regard to Gandhi Medical College, Bhopal – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 140-150 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

96. Maharashtra Institute of Medical Sciences & Research, Talegaon, Pune – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Maharashtra Institute of Medical Sciences & Research, Talegaon, Pune – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (15.04.2015) along with assessment report (6th & 7th January, 2015) and representation dated 18.04.2015 received from the college and noted the following:-

1. Deficiency of faculty is 14% as detailed in report.
2. Shortage of Residents is 17.6% as detailed in the report.
3. Bed occupancy is 43.4% on the day of assessment.

4. Wards are congested as there are too many beds in small area.
5. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 100-150 of Maharashtra Institute of Medical Sciences & Research, Talegaon, Pune under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

97. U.P. Rural Institute of Medical Sciences, Saifai, Etawah – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to U.P. Rural Institute of Medical Sciences, Saifai, Etawah – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2015) along with assessment report (3rd & 4th February, 2015) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 100-150 of U.P. Rural Institute of Medical Sciences, Saifai, Etawah under Chattrapati Shahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

98. Increase of MBBS seats from 150 to 200 at NRI Medical College & General Hospital, Guntur for the academic session 2015-16.

Read: the matter with regard to Increase of MBBS seats from 150 to 200 at NRI Medical College & General Hospital, Guntur for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2015) along with assessment report (19th & 20th January, 2015) and noted the following:-

1. Deficiency of faculty is 12.20% as detailed in report.
2. Shortage of Residents is 28.08 as detailed in report.
3. Bed occupancy was 36.76% on the day of assessment.
4. Wards: In Skin & VD ward, all patients were transferred from Oncology department on previous day. Paediatric Surgery patients were kept in paediatrics ward. Ward register for Paediatric Unit 2 ward was not provided. About 20% of the patients in General Surgery were transferred from Superspecialities like Urology, Neurosurgery, Plastic Surgery with case papers denoting names of consultants under whom they were admitted.
5. Four faculty from Anesthesiology department also appeared for assessment for D.M.(Critical Care) assessment at this institute in the Anaesthesiology department.
6. Lecture Theater: 5th lecture theatre of capacity 240 is under construction. Lecture theatre of capacity 500 is not available. Facility for E class is not available.
7. Interns' Hotel: Accommodation is available for 176 interns against requirement of 200 as per Regulations.
8. Nurses' Hostel: Rooms are 4 seater which is not as per norms. Deficiency remains as it is.
9. MRD: It is partly computerized. Deficiency remains as it is.
10. Casualty: Beds are placed adjacent to each other without any space which is not permissible.
11. Boys' Common Room: It is smaller than required. Attached toilet is not available. Deficiency remains as it is.
12. Anatomy department: Museum is small than required. Number of specimens are less.
13. Area of Examination Hall is 1,377 sq.m. which is less than 2,000 sq.m. required.
14. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of the scheme for increase of seats from 150 to 200 u/s 10A of the IMC Act 1956 in respect of NRI Medical College & General Hospital, Guntur under NTR University of Health Sciences, Vijaywada for the academic year 2015-16 and further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year

and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act,1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act,1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

99. BRD Medical College, Gorakhpur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to BRD Medical College, Gorakhpur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

100. Bharati Vidyapeeth Deemed University's Medical College, Sangli – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Bharati Vidyapeeth Deemed University's Medical College, Sangli – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee of the Council considered compliance submitted by the institute & report of sub-committee and decided to verify compliance.

101. Increase of MBBS seats from 150 to 250 at Prathima Institute of Medical Sciences, Karimnagar, Andhra Pradesh for the academic session 2015-16.

Read: the matter with regard to increase of MBBS seats from 150 to 250 at Prathima Institute of Medical Sciences, Karimnagar, Andhra Pradesh for the academic session 2015-16.

The Executive Committee of the Council considered the compliance submitted by the Dean of the college vide letter dated 10.04.2015 alongwith the letter of the Central Government, Ministry of Health & F.W., dated 17.04.2015 and decided to verify the compliance by way of assessment.

102. Kakatiya Medical College, Warangal – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to Kakatiya Medical College, Warangal – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (24.04.2015) along with assessment report (10th & 11th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 150-200 of Kakatiya Medical College, Warangal under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

103. Osmania Medical College, Hyderabad – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 200-250 for the academic session 2015-16.

Read: the matter with regard to Osmania Medical College, Hyderabad – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 200-250 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (24.04.2015) along with assessment report (10th & 11th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 200-250 of Osmania Medical College, Hyderabad under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

104. Andhra Medical College, Visakhapatnam – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to Andhra Medical College, Visakhapatnam – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (25.04.2015) along with assessment report (10th & 11th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 150-200 of Andhra Medical College, Visakhapatnam under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

105. R.G. Kar Medical College, Kolkata – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

Read: the matter with regard to R.G. Kar Medical College, Kolkata – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2015-16.

The Executive Committee of the Council decided to defer the consideration of the matter for the next meeting.

106. Swami Ramanand Teerth Rural Govt. Medical College, Ambejogai – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Swami Ramanand Teerth Rural Govt. Medical College, Ambejogai – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (22.04.2015) along with assessment report (6th & 7th January, 2015) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 50-100 of Swami Ramanand Teerth Rural Govt. Medical College, Ambejogai under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

107. Increase of MBBS seats from 100 to 150 at MNR Medical College, Sangareddy, Andhra Pradesh for the academic session 2015-16 – regarding.

Read: the matter with regard to increase of MBBS seats from 100 to 150 at MNR Medical College, Sangareddy, Andhra Pradesh for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (22.04.2015) along with assessment report (19th & 20th January, 2015) and noted the following:-

1. Shortage of residents is 18.1 % as detailed in report.
2. OPD: Data of OPD attendance of 1,429 given by the institute is grossly inflated.
3. Bed occupancy on the day of assessment as verified by patients in each ward along with Medical Superintendent was 66 % which is inadequate.
4. Wards are not as per MSR Regulations. Distance between 2 beds is < 1.5 m required as per Regulations. Many of beds did not have side tables. In General Medicine, Nursing Station is not as per Regulation in some wards. There are no emergency drugs in Tb & Chest ward. It has no toilet. There is a common female ward of 45 beds for Orthopaedics, Ophthalmology & ENT departments which is not permissible. There is a common male ward of 40 beds for Ophthalmology & ENT departments which is not permissible.
5. There were only 2 Major & NIL Minor operations for the whole hospital on day of assessment which is grossly inadequate.
6. Data of Radiological & Laboratory investigations provided by institute are grossly inflated.
7. Hospital lecture theater is small with maximum 120 capacity which is inadequate. It is not of gallery type.
8. Most of the faculty are staying in Hyderabad where commuting time is 1-2 hours. Deficiency remains as it is.
9. All Tutors / Residents are paid stipend in cash.
10. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of the scheme for increase of seats from 100 to 150 u/s 10A of the IMC Act 1956 in respect of MNR Medical College, Sangareddy, Andhra Pradesh under NTR University of Health Sciences, Vijaywada for the academic year 2015-16 and further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree

and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

108. Establishment of new medical college at Ataria, Sitapur, Uttar Pradesh by Hind Charitable Trust, Sitapur, Uttar Pradesh with an annual intake of 150 students under Chhatrapati Sahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Ataria, Sitapur, Uttar Pradesh by Hind Charitable Trust, Sitapur, Uttar Pradesh with an annual intake of 150 students under Chhatrapati Sahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (09th April 2015) alongwith previous assessment report (16th & 17th January, 2015) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Ataria, Sitapur, Uttar Pradesh by Hind Charitable Trust, Sitapur, Uttar Pradesh under Chhatrapati Sahu Ji Maharaj University, Kanpur with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

109. Assessment of the physical and other teaching facilities available for renewal of permission for MBBS course of 3rd batch (100 seats) of Integral Institute of Medical Sciences & Research, Lucknow under Integral University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to assessment of the physical and other teaching facilities available for renewal of permission for MBBS course of 3rd batch (100 seats) of Integral Institute of Medical Sciences & Research, Lucknow under Integral University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (24th April, 2015) alongwith previous assessment report (15th & 16th December, 2014) and noted the following:-

1. Deficiency of faculty is 18.18 % as detailed in the report.
2. Shortage of Residents is 38 % as detailed in report.
3. OPD: During the round of OPD at 9 a.m. & again at 12 noon, OPD attendance was very less. Total OPD attendance on day of assessment is 250 only. Data given by the institute are inflated.
4. Bed occupancy on day of assessment is 44.33 %.
5. Out of 12 Major operations claimed by institute on day of assessment, 10 were Cataract surgeries, leaving only 2 Major operations for all other departments combined which is inadequate.
6. There was only 1 Normal delivery & NIL Caesarean section on day of assessment which is inadequate.
7. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for MBBS course of 3rd batch (100 seats) of Integral Institute of Medical Sciences & Research, Lucknow under Integral University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

110. Establishment of new medical college at Unnao, Uttar Pradesh by Saraswati Education Charitable Trust, Unnao, Uttar Pradesh with an annual intake of 150 students under Chhatrapati Sahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Unnao, Uttar Pradesh by Saraswati Education Charitable Trust, Unnao, Uttar Pradesh with an annual intake of 150 students under Chhatrapati Sahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (24th April 2015) alongwith previous assessment report (16th & 17th January, 2015) and noted the following:

1. Shortage of residents is 91.11 %. All Resident doctors are not staying in campus but commuting from Lucknow which is not permissible. Hostel rooms are non-functional as there are no toilets.
2. Deficiency of faculty is 6.66 % as detailed in the report.
3. Bed occupancy on day of assessment is 37.33 % which is grossly inadequate.
4. Wards: In departments of ENT, Tb & Chest & Ophthalmology, male & female wards are not separated.
5. Only NIL Major & 3 Minor operations are performed on day of assessment.
6. ICUs: There was no patient in SICU, PICU/NICU, only 1 patient in ICCU & 2 patients in ICU on day of assessment.
7. Special investigations like Ba, IVP are not performed.
8. Histopathology & Cytopathology workload is NIL.
9. Residents' Hostel: Toilets are non-functional. Deficiency remains as it is.
10. Residential Quarters: 16 quarters are available against requirement of 20 as per Regulations for non-teaching staff.

11. Central Library: Toilets are not available.
12. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Unnao, Uttar Pradesh by Saraswati Education Charitable Trust, Unnao, Uttar Pradesh under Chhatrapati Sahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

111. Establishment of new medical college at Indore, Madhya Pradesh by Shri Astha Foundation for Education Society, Indore, Madhya Pradesh with an annual intake of 150 students under Devi Ahilya Vishwavidyalaya, Indore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Indore, Madhya Pradesh by Shri Astha Foundation for Education Society, Indore, Madhya Pradesh with an annual intake of 150 students under Devi Ahilya Vishwavidyalaya, Indore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (21th April 2015) alongwith previous assessment report (21st & 22nd January, 2015) and noted the following:

1. Shortage of Residents is 37.77 % as detailed in the report.
2. OPD: In Surgery OPD, only 1 room has got instruments out of 4 examination rooms.
3. Wards: Nursing stations are not provided in Skin & VD, Psychiatry & Tb & Chest wards.
4. ICUs: All emergency medicines are not available in emergency tray. There is only 1 patient in PICU & 2 patients each in ICCU, ICU.
5. There was NIL normal delivery & NIL Caesarean section on day of assessment.
6. Laboratory investigations: Histopathology workload is NIL. Microbiology workload is inadequate.
7. Students' Hostel: Construction is not complete. Mess is not available. Hygiene is poor.
8. Nurses' Hostel: It is under construction. Deficiency is not rectified.
9. Residential Quarters: Construction is not yet finished. Deficiency remains as it is.
10. Common Rooms for Boys & Girls: They are not fully furnished.
11. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Indore, Madhya Pradesh by Shri Astha Foundation for Education Society, Indore under Devi Ahilya Vishwavidyalaya, Indore u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

112. Establishment of new medical college at Bhopal by Advance Medical Science and Educational Society, Bhopal, M.P. with an annual intake of 150 students under Barkatullah University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Bhopal by Advance Medical Science and Educational Society, Bhopal, M.P.

with an annual intake of 150 students under Barkatullah University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 - Compliance Verification Assessment.

The Executive Committee of the Council considered the compliance verification assessment report (22nd April 2015) alongwith previous assessment report (10th & 11th March, 2015) and noted the following:

1. Deficiency of faculty is 66.66 % as detailed in the report.
2. Shortage of Residents is 55.55 % as detailed in the report.
3. OPD attendance on day of assessment is 255 which is inadequate.
4. Bed occupancy is 1.33 % on day of assessment which is grossly inadequate.
5. There was NIL Major & NIL Minor operations on day of assessment.
6. There was NIL Normal delivery & NIL Caesarean section on day of assessment.
7. There was NIL Radiological & NIL laboratory investigation on day of assessment.
8. Facilities are inadequate in Paediatrics & O.G. OPD. Deficiency remains as it is.
9. Casualty: Emergency tray, Disaster trolley, Crash cart are not available. Deficiency remains as it is.
10. ICUs: There was no patient in ICCU or in any of ICUs on day of assessment. Central Oxygen & Suction are not available. Deficiency is not rectified.
11. ETO Sterilizer is not available. Deficiency remains as it is.
12. Audiometry & Speech Therapy are not available.
13. Preclinical departments of Anatomy, Physiology & Biochemistry are not furnished & non-functional. Deficiency remains as it is.
14. Lecture Theaters: Audiovisual aids & E class facility are not available. Deficiency remains as it is.
15. Central Library: It is not furnished. Books & Journals are not available. Deficiency remains as it is.
16. Students' Hostels are under construction. Deficiency remains as it is.
17. Nurses' Hostel is under construction. Deficiency remains as it is.
18. Residential quarters are under construction. Deficiency remains as it is.
19. Common Rooms for Boys & Girls are not furnished. Deficiency remains as it is.
20. Recreational facilities are not available. Deficiency remains as it is.
21. Central Photographic section is not functional. Deficiency remains as it is.
22. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Bhopal by Advance Medical Sciences and Educational Society, Bhopal under Barkatullah University, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

113. Establishment of new medical college at Deralakatte, Mangalore, D.K, Karnataka by Kanachur Islamic Education Trust, Mangalore with an annual intake of 150 students under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Deralakatte, Mangalore, D.K, Karnataka by Kanachur Islamic Education Trust, Mangalore with an annual intake of 150 students under Rajiv Gandhi University

of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (09th April 2015) alongwith previous assessment report (29th & 30th December, 2014) and noted the following:

1. Deficiency of faculty is 23.3 % as detailed in report.
2. Shortage of Residents is 64.4 % as detailed in report.
3. OPD: Institute has claimed attendance of 523 on day of assessment. However, around 200-250 attendance was observed as per estimate made on day of assessment.
4. Bed occupancy: Total occupancy 15 % - i.e. 45 beds occupied – was observed at time of assessment.
5. NIL Special investigations like Ba, IVP were performed on day of assessment.
6. ICUs: No patients were available in ICUs on day of assessment.
7. Six faculty members as detailed in report were not considered as they had appeared for MCI assessment at another college in the current Academic Year.
8. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Deralakatte, Mangalore D.K., Karnataka by Kanachur Islamic Education Trust, Mangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

114. Renewal of permission for MBBS course for 5rd batch (150 seats) of Sapthagiri Institute of Medical Sciences & Research Centre, Bangalore, Karnataka Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5rd batch (150 seats) of Sapthagiri Institute of Medical Sciences & Research Centre, Bangalore, Karnataka Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (24th March 2015) alongwith previous assessment report (21st & 22nd November 2014) and noted the following:-

1. Shortage of Residents is 7.8 % as detailed in report.
2. The number of major operations for the whole hospital performed on day of assessment was NIL.
3. Although bed occupancy is claimed to be 85 %, the fact that Major operations were NIL at the time of assessment reflects poorly on the quality of patients admitted in the departments of General Surgery, Orthopaedics, Ophthalmology, ENT & O.G.
4. There was no patient in Labour at the time of assessemnt. There was only 1 Normal delivery & NIL Caesarean section on day of assessment.
5. Availability & quality of clinical material needs to be improved.
6. Radiological investigations in form of plain X-rays is inadequate.
7. RHTC: Dining & kitchen facilities are not functional.
8. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch (150 seats) of Sathagiri Institute of Medical Sciences & Research Centre, Bangalore, Karnataka Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

115. Renewal of permission for MBBS course for 2nd batch (150 seats) of The Oxford Medical College, Hospital & Research Centre, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of The Oxford Medical College, Hospital & Research Centre, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (08th April 2015) alongwith previous assessment report (12th & 13th January 2015) and representation dated 08/04/2015 of the college authorities as well as complaint dated 06/04/2015 of Sh. P. Narayana Swamy, National President, National Progressive Construction Workers Federation (NPCWF) and noted the following:-

1. Deficiency of faculty is 18.09 % as detailed in report.
2. Shortage of Residents is 67.90 % as detailed in the report.
3. A large number of patients admitted in various wards did not merit admission. There were very few post-operative patients in General Surgery & Orthopaedics wards. Patients were admitted for very minor complaints.
4. Only 1-2 unit of blood are issued daily. Operations performed in the hospital are relatively simple nature & do not require transfusion.
5. On day of assessment, operative workload of Major operations was 7 which is inadequate. Out of 7 operations, 4 were Cataract operations. There was no operation in Orthopaedics.
6. Special investigations like Ba, IVP are not carried out.
7. Birth register & Parturition register show total 150 deliveries over a period of 3 months of January – March 2015 which is inadequate.
8. ICUs: There was no patient in ICCU on day of assessment. There were only 2 patients each in ICU & NICU/PICU.
9. Mortuary is not air-conditioned & non-functional.
10. Central Library: No explanation has been given for the discrepancy in number of titles between Form A & actually available.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for MBBS course of 2nd batch (150 seats) of The Oxford Medical College, Hospital & Research Centre, Bangalore under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

116. Renewal of permission for MBBS course for 4th batch (150 seats) of GMERS Medical College, Valsad, Gujarat under Veer Narmad South Gujarat University, Surat u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of GMERS Medical College, Valsad, Gujarat under Veer Narmad South Gujarat University, Surat u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (17th April 2015) alongwith previous assessment report (27th & 28th November, 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (150 seats) of GMERS Medical College, Valsad, Gujarat under Veer Narmad South Gujarat University, Surat u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

117. Renewal of permission for MBBS course for 5th batch (150 seats) of GMERS Medical College, Gotri, Vadodara, Gujarat under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (150 seats) of GMERS Medical College, Gotri, Vadodara, Gujarat under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (04th April 2015) alongwith previous assessment report (27th & 28th November 2014) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (150 seats) of GMERS Medical College, Gotri, Vadodara, Gujarat under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

118. Establishment of new medical college at Umarda, Udaipur, Rajasthan by Global Health Research & Management Institute, Udaipur with an annual intake of 150 students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Umarda, Udaipur, Rajasthan by Global Health Research & Management Institute, Udaipur with an annual intake of 150 students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the compliance verification assessment report (10th April 2015) alongwith previous assessment report (27th & 28th January, 2015) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Umarda, Udaipur, Rajasthan by Global Health Research & Management Institute, Udaipur under Rajasthan University of Health Sciences, Jaipur with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

119. Renewal of permission for MBBS course for 3rd batch (100 seats) of Indian Institute of Medical Sciences and Research, Jalna, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of Indian Institute of Medical Sciences and Research,

Jalna, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the letter dated 17/04/2015 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the compliance dated 09/04/2015 submitted by the Dean, JIIU's Indian Institute of Medical Sciences & Research, Jalna and decided to verify the same by way of assessment.

120. Establishment of New Medical College at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust, Jabalpur , Madhya Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to establishment of New Medical College at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust, Jabalpur , Madhya Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council perused the communications from the Central Government dt.17.04.2015 & 27.04.2015 along with documents submitted by the applicant and observed that the Consent of Affiliation has been issued by M.P. Medical University only on 25/04/2015 – i.e. long after last date of submission of application i.e. 30.08.2014, complete in all respects.

The Committee further observed that time schedule prescribed under Establishment of Medical College Regulations, 1999 is as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed by the Committee that as has been incorporated in earlier decision, these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme Court in Mridul Dhar's case is as under:

*"1-13.
14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.*

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. *Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied stricto sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and esemplastically, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned.*

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of Ms. Neelu Arora & Anr. v. UOI & Ors. [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Committee further observed that no clarification has yet been received in the office of Council with regard to two letters being issued with same date and outward number from Rani Durgawati University, Jabalpur. Its response dated 19/02/2015 merely states that all matters regarding affiliation would be dealt by M.P. Medical University, Jabalpur without really giving any clarification about two letters bearing same date & outward number.

In view of above, the Executive Committee of the Council decided to reiterate earlier decision to return the application recommending disapproval of the scheme for establishment of New Medical College at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust, Jabalpur, Madhya Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as the qualifying criterion 3(2)(4) of Establishment of Medical College Regulations, 1999 is not fulfilled and since there is no provision u/s 10A of the Indian Medical Council Act, 1956

or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

121. Establishment of New Medical College at Konni, Pathanamthitta, Kerala by Govt. of Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to establishment of New Medical College at Konni, Pathanamthitta, Kerala by Govt. of Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council perused the letter of the Central Government dt.17.04.2015 and observed that the Institute has failed to submit the following documents asked by the Council from time to time:

- (1) C.D./D.V.D. with regard to Standard Inspection Forms and
- (2) Declaration forms

The Executive Committee further observed that the Special Officer, New Govt. Medical Colleges, Govt. of Kerala in his letter dated 07/04/2015 has stated as under:

"...We have submitted to the Department of Medical Education, Govt. of India that the practice of Govt. of Kerala as regard to creation of posts and filling up of vacancy is directly according to the state budget which has come to effect from 01.04.2015. So the number of posts as required to teaching departments (GO (MS) no.37/2015/H&FWD dated 28.02.2015) have not been posted against these vacancies. This will be done with immediate effect after commencement of the financial year. The list of posts created is appended.

Due to this fact, the individual declaration forms of the teaching staff can be made available as per the instruction from the MCI only after the said persons are posted to the newly created posts and they join at the new venue.

As far as the clinical side staffs, we are submitting the list of doctors working at the General Hospital, Pathanamthitta Dist. at present. They will be transferred on "Internal Institutional Deputation" from the commencement of the Medical College. Due to these reasons, the declaration of all the doctors can be submitted only by the month of May 2015.

This exigency is due to the statutory formalities which are being followed in the state."

The Committee further observed that time schedule prescribed under Establishment of Medical College Regulations, 1999 is as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February

6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

The Committee further observed that as has been incorporated in earlier decision, these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme court in Mridul Dhar's case is as under:

"1-13.

14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. *Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied stricto sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and esemplastically, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.*

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently

deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of Ms. Neelu Arora & Anr. v. UOI & Ors. [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision to return the application recommending disapproval of the scheme to the Central Govt. for establishment of New Medical College at Konni, Pathanmthitta, Kerala by Govt. of Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-16 since there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic years.

122. Renewal of permission for MBBS course for 2nd batch (150 seats) of Viswabharathi Medical College, Kurnool, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of Viswabharathi Medical College, Kurnool, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 02/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (05th & 06th January, 2015) and assessment report (10th & 11th February, 2015) alongwith letter/representation dated 11/02/2015 received from the Principal, Viswabharathi Medical College, Kurnool and noted the following:-

1. Deficiency of faculty is 53.77 % as detailed in the report.
2. Shortage of Residents is 91.46 % as detailed in the report.
3. Bed occupancy is 44 % on day of assessment.
4. OPD attendance: Data given by the hospital is inflated. It is shown as 791 on 10/02/2015 (i.e. day of assessment); however on verification from OPD registers, it was observed to be 362 on 09/02/2015 and 128 till 1:00 p.m. on 10/02/2015.
5. There were only total 4 Major operations & NIL Minor operations for the whole hospital on day of assessment.
6. There was NIL Normal delivery & only 1 Caesarean section on day of assessment.
7. Data of Radiological & Biochemistry workloads are not matching with actual workload.
8. ICUs: There is no ABG Analyzer in any of the ICUs. There was NIL patient in PICU/NICU on day of assessment.
9. CSSD: No information regarding utilization of sterilized material was given in spite of repeated requests.
10. Pathology department: laboratories are nonfunctional.
11. O.T. & Central Clinical laboratories have no entries for many days. Registers have empty space in between. Institute tried to fabricate date from 02/02/2015 to 09/02/2015.
12. Clinical case sheets have no/inadequate notes.
13. Verification of Attendance Register reveals that faculty & residents have not signed for many days.
14. Wards: There is no Nursing station in separate wings in several wards. Examination cum treatment room is not functional/ill equipped in several wards. Pantry is not available in any ward. Doctors duty room is not available in several wards. Store room is not available or if available, contains junk chairs, etc. and is nonfunctional.
15. There is no Lecture Theater in the hospital.
16. Common Rooms for Boys & Girls: Measurements are not provided by the institute; hence it cannot be verified whether adequate or not.
17. Central Photography section is not available.

18. *Students' Hostels: Visitors' room is not furnished. A.C. study room with computer & Internet and Recreation room are not available.*
19. *Residents' Hostel: Visitors' room is not furnished. A.C. study room with computer & Internet and Recreation room are not available.*
20. *Measurements of the Hospital offices, OPD waiting area have not been provided by the institute.*
21. *Audiometry & Speech Therapy are not available.*
22. *Recreational facilities are inadequate. Gymnasium & Indoor Games are not available.*
23. *Anatomy department: Cold storage facilities are available only for 8 bodies against requirement of 15.*
24. *Other deficiencies as pointed out in the assessment report.*

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of Viswabharathi Medical College, Kurnool, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- "1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at

different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies. PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval

of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above legal opinion of Ld. Additional Solicitor General of India and upon application of section 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of Viswabharathi Medical College, Kurnool, Andhra Pradesh under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

123. Renewal of permission for MBBS course for 2nd batch (150 seats) of F.H Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of F.H Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 16/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (05th & 06th February, 2015) and assessment report (13th March, 2015) and noted the following:-

- 1. Deficiency of faculty is 42 % on day of assessment.*
- 2. Shortage of Residents is 47 % on day of assessment.*
- 3. Bed occupancy was only 14 % on day of assessment.*
- 4. There were only 9 Major & NIL Minor operations on day of assessment. In departments of ENT & Orthopaedics, number of major operations was NIL. In department of O.G. it was only 1 & in General Surgery, only 2 operations were performed on day of assessment.*
- 5. There was NIL normal delivery & only 1 Caesarean section on day of assessment.*

6. Radiological investigative workload is grossly inadequate – only 47 plain X-rays, 12 USG, NIL special investigations.
7. Laboratory investigation workload is inadequate.
8. ICUs: There was no patient in ICCU, SICU & PICU/NICU & only 2 patients in ICCU on day of assessment.
9. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of F.H Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-16 and further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

“8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year.”

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999. My opinion has been sought on the following issues:-

- “1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.
2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students.”

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies. PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above, legal opinion of Ld. Additional Solicitor General of India and upon application of section 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of F.H Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

124. Renewal of permission for MBBS course for 2nd batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 02/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessor report (05th & 06th January 2015) & assessment report (23rd & 24th February, 2015) and noted the following:-

- 1. Deficiency of faculty is 75.47 % as detailed in the report.*
- 2. Shortage of Residents is 84.15 % as detailed in the report.*
- 3. OPD attendance is 465 on day of assessment against requirement of 600 as per Regulations.*
- 4. Bed occupancy is 39 % on day of assessment.*
- 5. There was NIL Major operation on day of assessment.*
- 6. There was only 1 normal delivery & NIL Caesarean section on day of assessment.*
- 7. ICUs: There was no patient in ICCU & SICU & only 1 patient in PICU/NICU on day of assessment.*
- 8. Anatomy department: Mortuary cabinets are not available.*
- 9. Other deficiencies as pointed out in the inspection report.*

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- "1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

".....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies. PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above, legal opinion of Ld. Additional Solicitor General of India and upon application of section 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

125. Renewal of permission for MBBS course for 2nd batch (150 seats) of P.K. Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of P.K. Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 02/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (05th & 06th January, 2015) and assessment report (11th & 12th February, 2015) alongwith the representation/memorandum dated 11/02/2015 received from the college authorities and noted the following:-

- 1. Deficiency of teaching faculty is 50.43 % as detailed in the report.*
- 2. Shortage of Residents is 88.23 % as detailed in the report.*
- 3. Bed occupancy was 24.33 % on day of assessment.*
- 4. Casualty attendance was only 1 patient in Casualty ward during 24 hour period on day of assessment.*
- 5. Data provided by the institution shows bed occupancy to be average 200 on 9th & 10th February 2015 (i.e. 1-2 days before assessment) and on 11th & 12th February 2015 (i.e. days of assessment) are wrong and inflated as bed occupancy was only 24.33 % on first day of assessment.*
- 6. There was only 1 Major & 1 Minor operation on day of assessment.*
- 7. There was no delivery – Normal or Caesarean – on day of assessment.*
- 8. ICUs: There was only 1 patient in NICU/PICU and 2 patients each in ICCU & SICU on day of assessment.*

9. *Nursing staff: Only 116 Nurses are available against requirement of 175 as per Regulations.*
10. *Number of patients shown in OPD by the institute are grossly inflated. On physical verification of different OPDs, there were scanty patients and more than 50 % faculty/Residents were not available in OPD.*
11. *Other deficiencies as pointed out in the assessment report.*

In view of the above, the Executive Committee of the Council decided to to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of P.K Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- "1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such

cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“.....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above, legal opinion of Ld. Additional Solicitor General of India and upon application of section 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of P.K Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

126. Renewal of permission for MBBS course for 2nd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 02/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessor report (06th & 07th January 2015) & assessment report (23rd & 24th February, 2015) and noted the following:-

1. *Deficiency of teaching faculty is 59.81 % as detailed in the report.*
2. *Shortage of Residents is 93.82 % as detailed in the report.*
3. *Bed occupancy was only 23.66 % on day of assessment.*
4. *Teaching beds: No beds were available for departments of Tb & Chest, Psychiatry, Ophthalmology. In General Surgery, 30 beds were occupied by trainee Nursing students. Resultantly, there is deficiency of 56 teaching beds.*
5. *There were only 6 Major Surgical operations on day of assessment.*
6. *Radiological & Laboratory investigations workload is inadequate.*
7. *There was only 1 patient in PICU & 2 patients in NICU on day of assessment.*
8. *Other deficiencies as pointed out in the inspection report.*

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of

2nd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

“8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year.”

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- “1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students.”*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies. PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....."

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the

MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above, legal opinion of Ld. Additional Solicitor General of India and upon application of section 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

127. Renewal of permission for MBBS course for 4th batch (150 seats) of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh under Dr. Ram Manohar Lohia Awadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh under Dr. Ram Manohar Lohia Awadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 02/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (06th & 07th February 2015) and noted the following:-

- 1. Deficiency of faculty is 32.3 % as detailed in report.*
- 2. Ratio of non-medical teachers in Anatomy department is 54 % against maximum permissible 33.33 % as per Regulations.*
- 3. Shortage of Residents is 79.7 % as per Regulations.*
- 4. Bed occupancy was 46.9 % on day of assessment. Many patients were found to be cold cases in General Medicine, Ophthalmology & Tb & Chest departments where admission in hospital was questionable.*
- 5. There was only 1 Major & NIL Minor operation on day of assessment. It was of Orthopaedics department and no other patient was waiting.*
- 6. ICUs: There was only 1 patient in SICU. It is not air-conditioned.*
- 7. There were very few patients in registration/OPD area at 11:00 a.m. There was only 1 patient in ENT OPD at 11:05 a.m. Not a single patient was there in Ophthalmology at 11:45 a.m. However, registration entries of in OPD registers of Casualty, Orthopaedics, Ophthalmology & ENT between 11:00 a.m. – 11:45 a.m. were 13, 13, 20 & 8 respectively.*
- 8. Audiometry room is neither air-conditioned nor sound-proof.*
- 9. RHTC: Specialists' visits are not organized.*
- 10. Other deficiencies as pointed out in the assessment report.*

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch (150 seats) of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh under Dr. Ram Manohar Lohia Awadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

"8(3)(1).....

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of MBBS degree.

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <70%, such an institute will not be considered for renewal of permission in that Academic Year."

The Executive Committee of the Council further noted that the Institute has admitted students for 2014-2015 pursuant to order of Hon'ble Supreme Court after filing undertaking dated 27/09/2014 by the college authorities which states as under:

"With reference to above mentioned subject and as per the directions given by Hon'ble Supreme Court of India in the Judgment of Writ Petition(civil) 469 dated 18 September, 2014. I hereby undertake that in case of any defects as pointed out in the last MCI inspection report found in the institution then the Bank Guarantee submitted by us may be forfeited."

In view of the deficiencies listed above, it is amply evident that the institute has failed to rectify previous deficiencies which are still persisting.

The Executive Committee of the Council also perused the order of Hon'ble Apex Court dt. 18/09/2014 & 25/09/2014, the operative part of which reads as under:

"The relevant portion of the order dated 18.09.2014 passed in W.P. (C) No. 469/2014 by the Hon'ble Supreme Court is reproduced hereunder:-

" Heard the learned senior counsel appearing for both the sides.

Looking at the peculiar facts and circumstances of the case and, especially, when several seats for medical admission are likely to remain vacant for the academic year 2014-15, we are of the view that these matters require urgent consideration and we are giving these interim directions under the provisions of Article 142 of the Constitution of India.

There is one more reason for passing this interim order. We are conscious of the fact that number of physicians in our country is much less than what is required and because of non-renewal of recognition of several medical colleges, our citizens would be deprived of a good number of physicians and therefore, we are constrained to pass this order, whereby at least there would be some increase in the number of physicians after five years. We are running against time because the last date for giving admissions to MBBS Course for the academic year 2014-15 is 30th September, 2014.

We also desire to reconsider the directions given by this Court in the judgment of Priya Gupta v. State of Chhattisgarh [(2012) 7 SCC 433], but at this juncture, as we do not have sufficient time to decide all these petitions finally, we are passing this interim order and the matter with regard to reconsideration of the aforesaid judgment would be considered while finally disposing of this group of petitions.

It has been submitted on behalf of the learned senior counsel appearing for all the petitioners/ respondents, who are managing medical colleges, that the defects which had been recorded at the time of the last inspection by the representatives of the Medical Council of India have been duly rectified and at present, the defects pointed out in the reports do not exist. The said fact can be ascertained only by having a fresh Compliance Verification/Inspection. However, the stand taken by the Central Government and the Medical Council of India is to the effect that no such inspection can be undertaken in the present academic session because of paucity of time and it would violate the time schedule laid down by this Court in the case of Priya Gupta (supra).

The learned senior counsel appearing for the Medical Council of India has also submitted that the petitioners do not have any legal right for getting renewal of the recognition, especially in view of the fact that the Verification/Inspection Reports are not available for the period in question. The learned senior counsel has relied upon some of the Judgments to substantiate his case and according to him, it would not be just and proper to permit the said medical colleges to take fresh batch of students.

Looking at the peculiar facts of the case and the circumstances stated hereinabove, we direct the petitioners to file undertakings by President/Chairman and Secretary of the petitioners' institutions running medical colleges within 10 days from today, to the effect that there is no defect in the medical colleges run by them and they would also state that their deposit with the MCI, which is around Rs.10 Crores, be forfeited by way of penalty if the statement made in the undertaking is found to be incorrect at the time of the next inspection. A draft undertaking has been given to this Court. A copy of the undertaking, which might be filed by the institutions, shall be served upon the office of the Medical Council of India as well as to the Ministry of Health and Family Welfare, Govt. of India, New Delhi.

We also record the fact that in the recent past, the Medical Council of India has renewed recognition of Government Medical Colleges on the basis of undertakings and therefore, we see no reason not to permit the private colleges to admit students on the basis of undertakings given by their office bearer as a special case.

Notwithstanding any direction given in the case of Priya Gupta (supra), if undertakings as stated hereinabove are filed by the institutions managing medical colleges for the academic year 2014-15, admissions shall be given to the students from the merit list prepared by the States and they shall be charged fees prescribed by the Government Medical Colleges of their respective States. The State Authorities, i.e., the Directorate of Medical Education & Research, of the respective States shall send students, in order of their merit, to the medical colleges run by the petitioners, which are situated within their States, within one week from the date of receipt of a copy of this order and the said students shall be admitted to the MBBS Course in accordance with the rules and regulations of the MCI and also regulations dated 16.04.2010 framed by the Medical Council of India, provided undertakings as mentioned above are filed on behalf of the concerned institutions.

It is also clarified that there would be no further counseling in respect of the students who are to be given admission, even if it might result into some heartburning among other students, but in the peculiar facts of the case, we give this direction.

In no case, the admission shall be given after 30th September, 2014. This order shall also apply to all the institutions which had filed their petitions earlier for renewal of their recognition for the academic year 2014-15, but their petitions were rejected or withdrawn for whatever reason, provided undertakings as stated hereinabove are filed by President/Chairman and the Secretary of those institutions. All those petitions shall be deemed to have been revived and this order shall be deemed to have been passed in those cases also. This order

shall only be in respect of renewal of recognition and not for creation of additional seats or for new colleges.

We also record that the Union of India has supported the petitioners in the interest of students. We also direct the Union of India to give wide publicity to this order in print as well as electronic media in the interest of the concerned students.

It is directed that the list of students getting admission in pursuance of this order shall be placed on record of this Court by 1st October, 2014 by the concerned institutions and a copy thereof shall also be sent to the MCI.

These matters shall be treated as part-heard and shall be notified for further hearing in the month of December, 2014."

The Hon'ble Supreme Court thereafter vide its order dated 25.09.2014 issued certain clarification in respect to the order dated 18.09.2014 in W.P. (C) No. 469/2014, which are reproduced hereunder:-

"After hearing the learned counsel for the parties we deem it appropriate to issue following clarifications with regard to our earlier order dated 18th September, 2014. These clarifications shall be read into the said order as if they were always part thereof:-

1. The order dated 18th September, 2014 shall also apply to cases where colleges or institutions were seeking increase in intake capacity and in the current year have been denied permission to admit students after first or second or third or fourth renewal/inspection. In our view such institutions where Renewal/Inspection with respect to increase in capacity were conducted in the present academic year are also entitled to the benefit under the order dated 18th September, 2014.

2. We also clarify that fees chargeable from the students admitted pursuant to our order dated 18th September, 2014 shall be at the same rates as applicable to the students in Government medical colleges in respective States and such fees shall be at the same levels as that of the Government medical colleges till the students so admitted pass out from the private medical colleges or institutions.

3. Our order shall also apply to all similarly situated institutions irrespective of the fact whether any petitions were or are pending in this Court or in any of the High Courts or even if they had not approached any court at all. This order shall also apply even in cases where there were orders of stay in favour of the Medical Council of India restraining the colleges from admitting students for the current academic session.

4. The order shall not apply to colleges or institutions which have been disqualified by the Medical Council of India and/or the Central Government and have been prohibited from making any admissions for the current academic year 2014-15.

5. In cases where two separate lists are prepared and sent by the State agencies one relating to State quota and the other relating to management quota in private institutions, we clarify that for the current academic year there shall be only one list and that shall be the "State quota" alone. There shall not be any management quota list to be sent to the private colleges or institutions taking the benefit under our order dated 18th September, 2014. The Management quota shall also be filled through the State list and the fees chargeable for the management quota shall also be charged at the same levels and rates as applicable to State quota list.

6. We further clarify that private institutions taking benefit under our order dated 18th September, 2014 shall have to take students only from the State agencies and at fees chargeable for students in Government medical colleges as stated

above, regardless of their status or claim as Minority Institutions or Deemed Universities.”

In view of above, the Executive Committee of the Council further decided to invoke/forfeit the Bank Guarantees submitted by the Institute and directed the Institute to submit fresh bank guarantee within 2 weeks”.

The Executive Committee of the Council also noted that the college has not taken action regarding discharge of students and decided to send a reminder to the college for immediate necessary action. The Committee further decided that a copy of the said letter may be marked to Vice Chancellor of affiliating University Dr. Ram Manohar Lohia Awadh University, Faizabad, Uttar Pradesh, Director, Medical Education, Secretary, Medical Education and to State Medical Council also.”

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- “1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students.”*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies. PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....."

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the

MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above, legal opinion of Ld. Additional Solicitor General of India and upon application of section 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 4th batch (150 seats) of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh under Dr. Ram Manohar Lohia Awadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

128. Establishment of new medical college at Rohini, New Delhi, (Dr. BSA Medical College & Hospital) by Govt. of NCT of Delhi with an annual intake of 100 MBBS students under Guru Gobind Singh Indraprastha University, Delhi u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Rohini, New Delhi, (Dr. BSA Medical College & Hospital) by Govt. of NCT of Delhi with an annual intake of 100 MBBS students under Guru Gobind Singh Indraprastha University, Delhi u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 31/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (13th & 14th January, 2015) and noted the following:

1. *Deficiency of teaching faculty is 100 % as detailed in report.*
2. *Shortage of Residents is 73 % as detailed in report.*
3. *Teaching beds are deficient as under:*

#	Department	Beds		
		Required	Available	Shortage
1	General Surgery	90	70	20
	TOTAL			20

4. *Wards: There are no Central pipelines. Demonstration Rooms are not available.*
5. *Bed occupancy is only 35.64 % on day of assessment.*
6. *College building is under construction.*
7. *Adequate office space for Dean's office & college office are not available.*

8. *Preclinical departments of Anatomy, Physiology & Biochemistry are not established.*
9. *Lecture theatres are under construction.*
10. *Central Library is under construction.*
11. *Students' hostels are not available.*
12. *Residential quarters for teaching faculty are not available.*
13. *OPD: Injection room for males/females are not available. Dressing room is common for males/females. Plaster cutting room is not separate.*
14. *MRD: It is partly computerized. ICD X classification of diseases is not followed for indexing.*
15. *Central clinical laboratory is not available.*
16. *ICUs: SICU has only 3 beds against requirement of 5.*
17. *Labour Room: There is no Eclampsia room.*
18. *Only 1 static X-ray machine is available against requirement of 2.*
19. *CSSD: Receiving & Distribution points are not separate. Staff is inadequate.*
20. *Canteen: It is non-functional.*
21. *Website: it is not available.*
22. *Other deficiencies as pointed out in the assessment report.*

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Rohini, New Delhi, (Dr. BSA Medical College & Hospital) by Govt. of NCT of Delhi under Guru Gobind Singh Indraprastha University, Delhi to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Committee further observed that the time schedule prescribed under Establishment of Medical College Regulations with regard to last date prescribed under Establishment of Medical College Regulations, 1999 as amended from time to time reads as under:

No.	Stage of processing	Last Date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	15th December
4.	Issue of Letter of Intent by the Central Government.	15th January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of permission.	15th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission.	1st March
7.	Recommendation of Medical Council of India to Central Government for issue of India to Central Government for issue of Letter of Permission.	15th May
8.	Issue of Letter of Permission by the Central Government.	15th June

It was further observed that these Regulations being Statutory Regulations are mandatory and binding in character and are required to be strictly adhered to by all the authorities. The operative part of the order of Hon'ble Supreme Court in Mridul Dhar's case is as under:

"1-13.

14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with."

The relevant operative part of the order of Hon'ble Supreme court in Priya Gupta's case is as under:

30. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied *stricto sensu* and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the above- stated principles. Keeping in view the contemptuous conduct of the relevant stakeholders, their cannonade on the rule of merit compels us to state, with precision and *esemplastically*, the action that is necessary to ameliorate the process of selection. Thus, we issue the following directions in rem for their strict compliance, without demur and default, by all concerned,.

i) The commencement of new courses or increases in seats of existing courses of MBBS/BDS are to be approved/recognised by the Government of India by 15th July of each calendar year for the relevant academic sessions of that year.

ii) The Medical Council of India shall, immediately thereafter, issue appropriate directions and ensure the implementation and commencement of admission process within one week thereafter.

iii) After 15th July of each year, neither the Union of India nor the Medical or Dental Council of India shall issue any recognition or approval for the current academic year. If any such approval is granted after 15th July of any year, it shall only be operative for the next academic year and not in the current academic year. Once the sanction/approval is granted on or before 15th July of the relevant year, the name of that college and all seats shall be included in both the first and the second counseling, in accordance with the Rules.

iv) Any medical or dental college, or seats thereof, to which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counseling to be conducted by the concerned authority and that college would have no right to make admissions in the current academic year against such seats.

v) The admission to the medical or dental colleges shall be granted only through the respective entrance tests conducted by the competitive authority in the State or the body of the private colleges. These two are the methods of selection and grant of admission to these courses. However, where there is a single Board conducting the state examination and there is a single medical college, then in terms of clause 5.1 of the Medical Council of India Eligibility Certificate Regulations, 2002 the admission can be given on the basis of 10+2 exam marks, strictly in order of merit.

vi) All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by this Court. We vehemently deprecate the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of this Court, second counseling should be the final counseling, as this Court has already held in the case of *Ms. Neelu Arora & Anr. v. UOI & Ors.* [(2003) 3 SCC 366] and third counseling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses.

vii) If any seats remain vacant or are surrendered from All India Quota, they should positively be allotted and admission granted strictly as per the merit by 15th September of the relevant year

and not by holding an extended counseling. The remaining time will be limited to the filling up of the vacant seats resulting from exceptional circumstances or surrender of seats. All candidates should join the academic courses by 30th September of the academic year.

viii) No college may grant admissions without duly advertising the vacancies available and by publicizing the same through the internet, newspaper, on the notice board of the respective feeder schools and colleges, etc. Every effort has to be made by all concerned to ensure that the admissions are given on merit and after due publicity and not in a manner which is ex-facie arbitrary and casts the shadow of favouritism.

ix) The admissions to all government colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list/rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

31. All these directions shall be complied with by all concerned, including Union of India, Medical Council of India, Dental Council of India, State Governments, Universities and medical and dental colleges and the management of the respective universities or dental and medical colleges. Any default in compliance with these conditions or attempt to overreach these directions shall, without fail, invite the following consequences and penal actions:-

a) Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions stricto sensu shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out the contempt proceedings before the High Court having jurisdiction over such Institution/State, etc.

b) The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. We make it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being unworthy of becoming a public servant.

c) Such defaulting authority, member or body shall also be liable for action by and personal liability to third parties who might have suffered losses as a result of such default.

d) There shall be due channelization of selection and admission process with full cooperation and coordination between the Government of India, State Government, Universities, Medical Council of India or Dental Council of India and the colleges concerned. They shall act in tandem and strictly as per the prescribed schedule. In other words, there should be complete harmonisation with a view to form a uniform pattern for concerted action, according to the framed scheme, schedule for admission and regulations framed in this behalf.

e) The college which grants admission for the current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

f) Upon the expiry of one week after holding of the second counseling, the unfilled seats from all quotas shall be deemed to have been surrendered in favour of the respective States and shall be filled thereafter strictly on the basis of merit obtained in the competitive entrance test.

g) It shall be mandatory on the part of each college and University to inform the State and the Central Government/competent authority of the seats which are lying vacant after each counseling and they shall furnish the complete details, list of seats filled and vacant in the respective states, immediately after each counseling.

h) No college shall fill up its seats in any other manner.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

“..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with

mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria.....

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. *In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.*

16. *If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.*

17. *On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.*

18. *In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."*

In view of above, Legal opinion of Ld. Additional Solicitor General of India and qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to reiterate earlier decision to return the application for establishment of a new medical college at Rohini, New Delhi, (Dr. BSA Medical College & Hospital) by Govt. of NCT of Delhi under Guru Gobind Singh Indraprastha University, Delhi to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

129. Renewal of permission for MBBS course for 2nd batch (150 seats) of RKDF Medical College Hospital & Research Centre, Bhopal, Madhya Pradesh earlier under Barkatullah University and now under Sarvepalli Radhakrishnan University, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of RKDF Medical College Hospital & Research Centre, Bhopal, Madhya Pradesh earlier under Barkatullah University and now under Sarvepalli Radhakrishnan University, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 02/03/2015, the Executive Committee had decided as under:

"The Executive Committee considered the Council Assessor report (23rd & 24th February 2015) and noted the following:-

- 1. Deficiency of teaching faculty is 19.81 % as detailed in the report.*
- 2. Shortage of residents is 49 % as detailed in the report.*
- 3. Bed occupancy is 48 % on day of assessment.*
- 4. There were only 5 Major (which included 4 Cataract operations) & 4 Minor operations on day of assessment.*
- 5. There was no normal delivery & 1 Caesarean section on day of assessment.*
- 6. There was no patient in ICCU, SICU, PICU/NICU & only 1 patient in MICU on day of assessment.*
- 7. With regard to clinical material, the following discrepancies were observed:*
 - (a) In Casualty OPD, two fake patients of corneal abrasion were shown. On enquiry, both of them said that on their left eye was given eye pads just one hour before. On examination, both of them had no such problem.*
 - (b) In Paediatrics ward, most of the patients had no significant illness to be treated as IPD patients. 5 patients from the same family were found in Paediatrics ward. Few other patients were also from the common family.*
 - (c) In Obstetrics ward, 2 patients were aged more than 50 years – i.e. beyond reproductive age.*
 - (d) In Tb & Chest ward, almost all the patients shown were not having any chest complaint at all. Rather, they had other vague complaints like body ache, etc. not requiring admission.*
 - (e) Overall, IPD patients were not having significant illness to be treated as IPD patients.*
 - (f) Most of IPD patients were not investigated at all. Most of the them were not given any medicine.*
 - (g) More than 70 % patients were admitted on only 1 day – i.e. 22/02/2015.*
- 8. With regard to faculty & Residents, the following discrepancies are observed:*
 - (a) Most of the Residents are not actually staying in campus accommodation.*
 - (b) One Junior Resident in O.G. confessed that he is actually staying in teaching staff quarters but only on paper he was allotted a room in the hostel.*
 - (c) A few teachers are engaged only periodically as per their teaching schedule.*
 - (d) Most of the faculty are not actually staying in the quarters allotted to them.*
 - (e) Significant number of faculty & Residents were unaware of other faculty & Residents of their own departments.*
- 9. Dr. Navneet Mishra, Asst. Prof. of General Surgery had attached wrong experience certificate.*
- 10. The following faculty were observed not to have done any work in the department:*
 - (a) Dr. Sameer Zutshi, Asst. Professor, Anaesthesia;*
 - (b) Dr. Subrat Adhikary, Asst. Professor of General Medicine;*
 - (c) Dr. Priya Singh, Asst. Prof. of General Surgery;*
 - (d) Dr. Avinash Kaundinya, Professor of Ophthalmology.*
- 11. In case of as many as 12 faculty, address does not match with Dean's quarters allocation certificate.*
- 12. In case of 14 Residents as detailed in the report, there is no signature of HOD on D.F.*
- 13. Dr. Milan Pumbhadiya, Junior Resident had D.F. filled on 09/01/2015 while he was appointed on 20/01/2015.*
- 14. In case of Dr. Jayesh Dholakiya, Junior Resident in General Medicine, date of joining is contradictory.*
- 15. Name of faculty was not mentioned in weekly teaching programmes.*
- 16. In Residents' hostel, ground floor is used as Autopsy block.*
- 17. Teaching staff quarters are not actually staff quarters but like big sized rooms hostel. They are located on 2nd & 3rd floor above the library and*

reading room, which means that library is on ground floor, reading room is on I floor of teaching quarters hostel.

18. MRD: It is partly manual & partly computerized.
19. Nursing staff: 155 Nurses are available against requirement of 175 as per Regulations.
20. Paramedical staff: Only 65 are available against requirement of 100 as per Regulations.
21. Anatomy department: Embryology models are inadequate.
22. Access of RKDF Hospital is through very narrow road passing through slum area which is a major problem for ambulance to reach.
23. No separate Nursing hostel is available. I floor of Girls' hostel is utilized as Nursing hostel.
24. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of RKDF Medical College Hospital & Research Centre, Bhopal, Madhya Pradesh earlier under Barkatullah University and now under Sarvepalli Radhakrishnan University, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. It was further decided to apply clauses 8(3)(1)(a) & 8(3)(1)(d) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

- (a) Colleges in the stage upto II renewal (i.e. Admission of third batch)

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <60%, such an institute will not be considered for renewal of permission in that Academic Year."

- (d) Colleges which are found to have employed teachers with faked/forged documents:

If it is observed during any institute is found to have employed a teacher with faked/forged documents and have submitted the declaration form of such a teacher, such an institute will not be considered for renewal of permission/recognition for award of MBBS degree/processing the applications for postgraduate courses for two academic years i.e. that academic year and the next academic year also.

In view of above, it was decided not to consider the institute for renewal of permission for two academic years i.e. that academic year(i.e. 2015-16) and the next academic year (i.e. 2016-2017)

The Executive Committee further decided to refer the matter to the Ethics Committee."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

Legal opinion dated 14/03/2015

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- “1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.
2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students.”

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

“.....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is

< 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt.....”

Legal opinion dated 27/03/2015

“1. The querist – Medical Council of India has sought my opinion as to whether the querist is obliged to consider the case of a medical college for grant of renewal of permission, which has been barred under Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999, for two academic years on account of submitting false and fabricated documents / declaration forms of the faculty employed in the medical college. The opinion is sought based upon the facts of one particular case viz. case of Malla Reddy Medical College.

2. I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter in detail for the querist. My opinion on the questions is as under :-

3. As can be seen from the Note for Opinion and the correspondence, Malla Reddy Medical College has been debarred for making admission of 150 MBBS students under Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999, initially for the academic year 2014-15 & 2015-16 and now for the academic session 2015-16 & 2016-17.

4. In order to give a specific opinion in the matter in light of facts of the case, it is appropriate to consider Regulation 8(3)(d) of the Establishment of Medical College Regulation, 1999 along with the facts of the case. The relevant portion of the aforesaid Regulation is reproduced as under :-

“.....

8. GRANT OF PERMISSION:

.....

(3)(1) (d) colleges which are found to have employed teachers with faked/ forged documents:

If it is observed that any institute is found to have employed a teacher with faked/ forged documents and have submitted the Declaration Form of such a teacher, such an institute will not be considered for renewal of permission/ processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.....”

5. Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999, for a salutary provision to achieve the object of the Act providing that in case any medical colleges is found to have employed teachers with fake and forged documents and declaration forms, such an institute will not be considered for renewal of permission / recognition for award of MBBS degree / processing of their application for postgraduate courses, for two academic years i.e. the current academic year and the next academic year. This provision is apparently made to ensure that no medical college takes chance by resorting to forgery or use of fake documents.

6. The Regulation 8(3)(1)(d) was incorporated in order to work as a deterrent for a medical college from including in any malpractice in relation to the appointment of teaching faculty in a medical college as the same will affect the quality of teaching and training in any such institution and would ultimately defeat the very object of the Act.

7. In the case of Malla Reddy Medical College, the querist on its regular inspection found that the teaching faculty employed by the medical college as well as the declaration form submitted to the querist was forged / fabricated in order to get a favourable recommendation for admitting a fresh batch of students for academic year 2014-15.

8. When the above malpractice came to the notice of the querist, the querist conducted a detailed enquiry and also verified the experience certificate as well as the declaration form furnished by the Malla Reddy Medical College. The querist also verified the experience cum relieving certificate of the faculty members from their earlier employer and found it to be false and fabricated.

9. The querist, after considering the entire material in this regard, vide its letter dated 03.09.2014 communicated its decision to refer to the matter of the Ethics Committee of the querist for appropriate action against the concerned doctors for submitting false and fabricated documents / declaration form as well as to debar Malla Reddy Medical College from admitting fresh batch of MBBS students for two academic years i.e.2014-15 and 2015-16 in terms of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulation, 1999.

10. Since the decision of the querist was not communicated to the medical college, the institution made admissions for the academic year 2014-15 in pursuance of the order dated 18.09.2014 and 25.09.2014 passed by the Hon'ble Supreme Court in the case of Hind Charitable Trust Vs. Union of India- W.P. (CO) No.269 of 2014.

11. Thereafter, in pursuance to the Central Govt. letter dated 05.01.2014, the querist reconsidered its decision on the ground that Malla Reddy Medical College has already made admission for the academic year 2014-15, the querist decided that in the case of Malla Reddy Medical College the current academic year shall mean to be 2015-2016 and the next academic year will be 2016-17. This was communicated to the Central Govt. vide letter dated 21.01.2015.

12. *Indulging in malpractice of forgery and fabrication is a serious offence in law and the same cannot be taken lightly. Especially in the case of medical education, as the same will affect the quality of medical education provided by an institution. The institution which indulges in forgery and fabrication should be penalized as contemplated by statutory provisions as their actions affect the career of students pursuing MBBS education and may eventually affect the citizens.*

13. *In view of the clear reading of the Regulation 8(3)(1)(d) and the facts of the case, I am of the opinion that querist is not obliged to process the application of a medical college for renewal of permission which has been debarred from making admission for two academic years in conformity with Regulation 8(3)(1)(d) of aforesaid Regulation ."*

In view of above and the opinions of the Ld. Additional Solicitor General of India application of Section 8(3)(1)(a) and 8(3)(1)(d), the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 2nd batch (150 seats) of RKDF Medical College Hospital & Research Centre, Bhopal, Madhya Pradesh earlier under Barkatullah University and now under Sarvepalli Radhakrishnan University, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and for 2016-17 also.

130. Renewal of permission for MBBS course for 4th batch of 100 MBBS seats of Institute of Medical Sciences & Research, Vidyagiri, Satara, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch of 100 MBBS seats of Institute of Medical Sciences & Research, Vidyagiri, Satara, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council observed that at its meeting dt. 16/12/2014, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the Council Assessors report (14th and 15th November, 2014) alongwith the representation dated 17.11.2014 received from the Dean of the college and noted the following:

1. *Deficiency of faculty is 40.87 % as detailed in the report.*
2. *Shortage of Residents is 86.14 % on day of assessment.*
3. *No workshop on Medical Education Technology has been conducted during the year.*
4. *No credit hours have been awarded for CME programmes conducted by the institute.*
5. *Students' Hostels: Accommodation is available for 192 students against requirement of 300 as per Regulations. Visitors' room, A.C. study room with computer & internet, Recreation room are not available.*
6. *Daily average of major Surgeries is only 7/day which is inadequate.*
7. *Radiological Investigations: Workload of special investigations like Ba, IVP is grossly inadequate – 1/week.*
8. *Average daily Histopathology workload of 5 is inadequate. On day of assessment, it was only 2.*
9. *MRD: Medical Records Officer is not available.*
10. *Other deficiencies as pointed out in the assessment report.*

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for MBBS course for 4th batch (100 seats) of Institute of Medical Sciences & Research, Vidyagiri, Satara, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

"8(3)(1).....

(b) Colleges in the stage upto III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of MBBS degree.

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <70%, such an institute will not be considered for renewal of permission in that Academic Year."

The Executive Committee of the Council further noted that the institute has admitted students for 2014-2015 pursuant to order of Hon'ble Supreme Court after filing an undertaking dated 29.09.2014 in the name of Dr. Mahadev Ramchandra Deshmukh which states as under:

"..1. The deficiencies pointed out by the Medical Council of India by its communication dated 17.05.2014 has been rectified and there exist no deficiencies in the said medical college.

1. In the event the institution, for any reason whatsoever, does not comply with this Undertaking the Hon'ble Court may, if it so chooses, direct that the Bank Guarantee/Security furnished by the institution to the Medical Council of India be forfeited.

2. The admissions to the academic year 2014-15 with respect to the seats to be filled will be in accordance with the norms of the Medical Council of India. Candidates will be admitted in accordance with merit list prepared by the State Authorities.

3. The fees to be charged from students admitted through this process shall be as approved by the State Authorities."

In view of the deficiencies listed above, it is amply evident that the institute has failed to rectify previous deficiencies which are still persisting.

The Executive Committee of the Council also perused the order of Hon'ble Apex Court dt. 18/09/2014 & 25/09/2014, the operative part of which reads as under:

"The relevant portion of the order dated 18.09.2014 passed in W.P. (C) No. 469/2014 by the Hon'ble Supreme Court is reproduced hereunder:-

" Heard the learned senior counsel appearing for both the sides.

Looking at the peculiar facts and circumstances of the case and, especially, when several seats for medical admission are likely to remain vacant for the academic year 2014-15, we are of the view that these matters require urgent consideration and we are giving these interim directions under the provisions of Article 142 of the Constitution of India.

There is one more reason for passing this interim order. We are conscious of the fact that number of physicians in our country is much less than what is required and because of non-renewal of recognition of several medical colleges, our citizens would be deprived of a good number of physicians and therefore, we are constrained to pass this order, whereby at least there would be some increase in the number of physicians after five years. We are running against time because the last date for giving admissions to MBBS Course for the academic year 2014-15 is 30th September, 2014.

We also desire to reconsider the directions given by this Court in the judgment of *Priya Gupta v. State of Chhattisgarh* [(2012) 7 SCC 433], but at this juncture, as we do not have sufficient time to decide all these petitions finally, we are passing this interim order and the matter with regard to reconsideration of the aforesaid judgment would be considered while finally disposing of this group of petitions.

It has been submitted on behalf of the learned senior counsel appearing for all the petitioners/ respondents, who are managing medical colleges, that the defects which had been recorded at the time of the last inspection by the representatives of the Medical Council of India have been duly rectified and at present, the defects pointed out in the reports do not exist. The said fact can be ascertained only by having a fresh Compliance Verification/Inspection. However, the stand taken by the Central Government and the Medical Council of India is to the effect that no such inspection can be undertaken in the present academic session because of paucity of time and it would violate the time schedule laid down by this Court in the case of *Priya Gupta* (supra).

The learned senior counsel appearing for the Medical Council of India has also submitted that the petitioners do not have any legal right for getting renewal of the recognition, especially in view of the fact that the Verification/Inspection Reports are not available for the period in question. The learned senior counsel has relied upon some of the Judgments to substantiate his case and according to him, it would not be just and proper to permit the said medical colleges to take fresh batch of students.

Looking at the peculiar facts of the case and the circumstances stated hereinabove, we direct the petitioners to file undertakings by President/Chairman and Secretary of the petitioners' institutions running medical colleges within 10 days from today, to the effect that there is no defect in the medical colleges run by them and they would also state that their deposit with the MCI, which is around Rs.10 Crores, be forfeited by way of penalty if the statement made in the undertaking is found to be incorrect at the time of the next inspection. A draft undertaking has been given to this Court. A copy of the undertaking, which might be filed by the institutions, shall be served upon the office of the Medical Council of India as well as to the Ministry of Health and Family Welfare, Govt. of India, New Delhi.

We also record the fact that in the recent past, the Medical Council of India has renewed recognition of Government Medical Colleges on the basis of undertakings and therefore, we see no reason not to permit the private colleges to admit students on the basis of undertakings given by their office bearer as a special case.

Notwithstanding any direction given in the case of *Priya Gupta* (supra), if undertakings as stated hereinabove are filed by the institutions managing medical colleges for the academic year 2014-15, admissions shall be given to the students from the merit list prepared by the States and they shall be charged fees prescribed by the Government Medical Colleges of their respective States. The State Authorities, i.e., the Directorate of Medical Education & Research, of the respective States shall send students, in order of their merit, to the medical colleges run by the petitioners, which are situated within their States, within one week from the date of receipt of a copy of this order and the said students shall be admitted to the MBBS Course in accordance with the rules and regulations of the MCI and also regulations dated 16.04.2010 framed by the Medical Council of India, provided undertakings as mentioned above are filed on behalf of the concerned institutions.

It is also clarified that there would be no further counseling in respect of the students who are to be given admission, even if it might result into some heartburning among other students, but in the peculiar facts of the case, we give this direction.

In no case, the admission shall be given after 30th September, 2014. This order shall also apply to all the institutions which had filed their petitions earlier for renewal of their recognition for the academic year 2014-15, but their petitions were rejected or withdrawn for whatever reason, provided undertakings as stated hereinabove are filed by President/Chairman and the Secretary of those institutions. All those petitions shall be deemed to have been revived and this order shall be deemed to have been passed in those cases also. This order shall only be in respect of renewal of recognition and not for creation of additional seats or for new colleges.

We also record that the Union of India has supported the petitioners in the interest of students. We also direct the Union of India to give wide publicity to this order in print as well as electronic media in the interest of the concerned students.

It is directed that the list of students getting admission in pursuance of this order shall be placed on record of this Court by 1st October, 2014 by the concerned institutions and a copy thereof shall also be sent to the MCI.

These matters shall be treated as part-heard and shall be notified for further hearing in the month of December, 2014."

The Hon'ble Supreme Court thereafter vide its order dated 25.09.2014 issued certain clarification in respect to the order dated 18.09.2014 in W.P. (C) No. 469/2014, which are reproduced hereunder:-

"After hearing the learned counsel for the parties we deem it appropriate to issue following clarifications with regard to our earlier order dated 18th September, 2014. These clarifications shall be read into the said order as if they were always part thereof:-

1. The order dated 18th September, 2014 shall also apply to cases where colleges or institutions were seeking increase in intake capacity and in the current year have been denied permission to admit students after first or second or third or fourth renewal/inspection. In our view such institutions where Renewal/Inspection with respect to increase in capacity were conducted in the present academic year are also entitled to the benefit under the order dated 18th September, 2014.

2. We also clarify that fees chargeable from the students admitted pursuant to our order dated 18th September, 2014 shall be at the same rates as applicable to the students in Government medical colleges in respective States and such fees shall be at the same levels as that of the Government medical colleges till the students so admitted pass out from the private medical colleges or institutions.

3. Our order shall also apply to all similarly situated institutions irrespective of the fact whether any petitions were or are pending in this Court or in any of the High Courts or even if they had not approached any court at all. This order shall also apply even in cases where there were orders of stay in favour of the Medical Council of India restraining the colleges from admitting students for the current academic session.

4. The order shall not apply to colleges or institutions which have been disqualified by the Medical Council of India and/or the Central Government and have been prohibited from making any admissions for the current academic year 2014-15.

5. In cases where two separate lists are prepared and sent by the State agencies one relating to State quota and the other relating to management quota in private institutions, we clarify that for the current academic year there shall be only one list and that shall be the "State quota" alone. There shall not be any management quota list to be sent to the private colleges or institutions taking the benefit under our order dated 18th September, 2014. The Management quota shall also be filled through the State list and the fees

chargeable for the management quota shall also be charged at the same levels and rates as applicable to State quota list.

6. We further clarify that private institutions taking benefit under our order dated 18th September, 2014 shall have to take students only from the State agencies and at fees chargeable for students in Government medical colleges as stated above, regardless of their status or claim as Minority Institutions or Deemed Universities."

In view of above, the members of the Executive Committee further decided to revoke the Bank Guarantees submitted by the Institute and directed the Institute to submit fresh bank guarantees within 2 weeks."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to review/assess the scheme in the light of the documents submitted by the college/applicants in compliance and recommendations of the Committee with the request to take necessary action(s) for review and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

- "1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.*
- 2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."*

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

".....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose

of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses.....”

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of

recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above , the opinion of the Ld. Additional Solicitor General of India and application of section 8(3)(1)(b), the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Govt. not to renew the permission for admission of 4th batch (100 seats) of Institute of Medical Sciences & Research, Vidyagiri, Satara, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

131. Establishment of new medical college at Kohima, Nagaland by Government of Nagaland with an annual intake of 100 MBBS students under Nagaland University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Kohima, Nagaland by Government of Nagaland with an annual intake of 100 MBBS students under Nagaland University u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 31/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (16th & 17th January, 2015) and noted the following:

1. *Deficiency of faculty is 100 % as detailed in the report.*
2. *Shortage of Residents is 100 % as detailed in the report.*
3. *There is no Dean.*
4. *College building is under construction.*
5. *Lecture theaters are under construction.*
6. *There is no Central Library. There are 2 small libraries which have total 315 books against 1,400 required. No other facilities or staff are available.*
7. *Students' Hostels: They are under construction.*
8. *Residents' Hostel: It is under construction.*
9. *Nurses' Hostel: It is under construction.*
10. *Residential quarters for faculty & non-teaching staff are not available.*
11. *OPD: Only 2 examination rooms are available against requirement of 4 in each department. Teaching areas are not available.*
12. *Wards: There are no individual Doctors' duty room, Demonstration Room. In case of Psychiatry, Skin & VD, Ophthalmology & ENT, there are no separate wards for males/females.*
13. *OPD attendance is 230 on day of assessment against requirement of 400.*
14. *Radiological & Laboratory investigations workload is inadequate.*
15. *MRD: It is manual. ICD X classification of diseases is not used for indexing.*
16. *Casualty: Only 2 beds are available against requirement of 10. Crash cart & Ventilator are not available. Separate casualty for O.G. is not available.*
17. *ICUs: SICU is not available.*
18. *AERB approval is not available.*
19. *Nursing staff: 134 Nurses are available against 175 required.*

20. Website is not available.
21. Preclinical departments of Anatomy, Physiology & Biochemistry are not functional as the college building is under construction.
22. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of permission for establishment of a new medical college at Kohima, Nagaland by Government of Nagaland under Nagaland University u/s 10A of the IMC Act, 1956 for the academic year 2015-16."

The Committee noted that since no compliance has been received from the college authorities inspite of repeated reminders vide MCI's letters dated 31.01.2015, 09.03.2015 and 19.03.2015 as well as from the Central Government, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Kohima, Nagaland by Government of Nagaland under Nagaland University to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

132. Establishment of new medical college at Mandi, Himachal Pradesh by Employees' State Insurance Corporation, New Delhi with an annual intake of 100 MBBS students under Himachal Pradesh University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Mandi, Himachal Pradesh by Employees' State Insurance Corporation, New Delhi with an annual intake of 100 MBBS students under Himachal Pradesh University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting dt. 31/01/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council considered the assessment report (14th & 15th January, 2015) and noted the following:

1. Deficiency of faculty is 92.60 % as detailed in the report.
2. Shortage of Residents is 100 % as detailed in the report.
3. Wards: Distance between 2 beds is < 1.5 m. Departmentwise Unitwise distribution of beds is not clear and is clumsy and not arranged in proper order. Pantry & Demonstration Room are not available in any ward.
4. Radiological & Laboratory investigation workload is inadequate.
5. Histopathology & Cytopathology workload is NIL.
6. OPD: Staff at registration counter is inadequate. Examination rooms are inadequate & under renovation which is not completed. Teaching areas are not available. Injection room for males/females is common. Minor O.T. is not equipped. Separate plaster cutting room is not available.
7. Casualty: Separate casualty for O.G. is not available. Equipment is inadequate.
8. O.T.: General Surgery O.T. has 2 tables which is not as per norms. Monitoring & Resuscitation equipment like Infusion Pump, Defibrillators are not available. Central Oxygen is not available.
9. ICUs: They are under renovation.
10. Labour Room: Eclampsia room is not available.
11. Details of AERB approval are not provided.
12. Lecture Theaters: facility for E class is not available.
13. Central Library: Area is not provided. Staff is not available.
14. Central Photography Section: Equipment & Staff are not available.
15. Students' Hostels: They are non-functional. Visitors' room, A.C. study room with computer & Internet are not available.

16. *Residents' Hostel: It is under construction.*
17. *Nurses' Hostel: It is under construction.*
18. *Residential quarters for non-teaching staff are under construction.*
19. *Speech therapy is not available.*
20. *MRD: It is manual. ICD X classification of diseases is not used for indexing of diseases.*
21. *Nursing Staff: Only 56 Nurses are available against requirement of 175 as per Regulations.*
22. *Paramedical staff: Only 20 are available against requirement of 100 as per Regulations.*
23. *Anatomy department: There are no specimens, models, MRI/CT films in the museum. Bone sets are not available. Cadavers are not available.*
24. *Other deficiencies as pointed out in the assessment report.*

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of Permission for establishment of a new medical college at Mandi, Himachal Pradesh by Employees' State Insurance Corporation, New Delhi under Himachal Pradesh University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2015-16."

The Committee noted that since no compliance has been received from the college authorities inspite of repeated reminders vide MCI's letters dated 31.01.2015, 09.03.2015 and 19.03.2015 as well as from the Central Government, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Mandi, Himachal Pradesh by Employees' State Insurance Corporation, New Delhi with an annual intake of 100 MBBS students under Himachal Pradesh University, Shimla to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-16 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

133. Order dated 20.06.14 in Case No. 1/1032/13-14 – Guru Dayal Kumar Sinha Vs. The Chairman, Medical Council of India by the Hon'ble Court of Chief Commissioner for Personal with Disabilities - Reg.

Read: the matter with regard to Order dated 20.06.14 in Case No. 1/1032/13-14 – Guru Dayal Kumar Sinha Vs. The Chairman, Medical Council of India by the Hon'ble Court of Chief Commissioner for Personal with Disabilities.

The Executive Committee of the Council noted that a Sub-Committee had been constituted by it with the experts in the field of ENT, Ophthalmology, Orthopaedics and Locomotor Specialist to go through the order dated 20.06.14 in case No. 1/1032/13-14 – Guru Dayal Kumar Sinha Vs. The Executive Committee of the Council after detail deliberations approved the report of the above Sub-Committee, the operative part of which reads as under:-

".....

49. *Taking into consideration the relevant details, analogy and observations that have been brought out by the Learned Expert Members on the issue at end the Committee is pleased to recommend as under:-*

A. *Upper Limb Disability*

50. *In view of the listed competencies that can be either not completely acquired or partially acquired by a person with upper limb disability a provision be incorporated in the Graduate Medical Education Regulations 1997 that persons with upper limb disability are not entitled to pursue Graduate Medical Education.*

B. *Lower Limb Disability*

51. Although a person with lower limb disability cannot acquire 4 out of 6 specific objectives of internship, however, as he is able to acquire discipline-wise competencies, hence a person with disability of lower limb can pursue medical education. However, the existing provision in Graduate Medical Education Regulation, 1997 is appropriate and does not require any revision. As such, as the determination of disability under the PWD Act is organic hence the reduction of disability with prosthetics cannot be considered to be a ground for persons with disability above 70% to be eligible to pursue Graduate Medical Education.

C. Auditory Disability

52. In view of the competencies that cannot be completely or partially acquired by a person with auditory disability a provision be incorporated in the Graduate Medical Education Regulations 1997 that persons with auditory disability are not entitled to pursue Graduate Medical Education.

D. Visual Disability

53. By a suitable provision, it be incorporated in the Graduate Medical Education to the effect that a person with category I visual disability shall not be eligible to pursue Graduate Medical Education.

CONCLUSION

54. The issue at hand that has been looked at hand by the Committee is limited to entry into the Graduate Medical Course as against the permissible disability with reference three main categories only. The legal aspects associated thereat although have been looked by the Committee in consultation with the Law Officer of the Council yet the possibility some areas some remaining beyond the consideration of the Committee is not ruled out which is a palpable limitation that the Committee is aware of.

The above minutes were read and confirmed in the meeting itself.

134. Time schedule for Undergraduate & Postgraduate admission and counseling from the academic year 2016-2017 and onwards.

Read: the matter with regard to Time schedule for Undergraduate & Postgraduate admission and counseling from the academic year 2016-2017 and onwards.

The Executive Committee of the Council approved the report of the Sub-Committee with amendments as under:-

(A) **PROPOSED TIME SCHEDULE FOR ADMISSIONS TO POSTGRADUATE COURSES**

Schedule of admission	State Quota	All India Quota
Conduct of entrance examination	1 st to 15 th February	1 st to 15 th December
Declaration of result of qualifying examination/ entrance examination.	By 15 th March	By 15 th January
1 st round of counseling/ admissions	1 st April to 10 th April	11 th April to 22 nd April
Last date for joining the allotted college and course	17 th April	29 th April
2 nd round of counseling for allotment of seats from waiting list	23 rd April to 26 th April	4 th May to 8 th May
Last date for joining for candidates allotted seats in 2 nd round of counseling	3 rd May	16 th May
3 rd round of counseling (for filling up of seats reverted from All India quota/ other vacant seats from State quota	26 th May to 27 th May	21 st May to 24 th May
Last date for joining for candidates allotted seats in 3 rd round of	31 st May	31 st May

counseling		
Commencement of academic session	1 st June	1 st June

(B) **PROPOSED TIME SCHEDULE FOR ADMISSIONS TO SUPER-SPECIALITY COURSES**

Schedule of admission	Schedule
Conduct of entrance examination	Between 16 th June to 30 th June
Declaration of result of qualifying examination/ entrance examination.	By 10 th July
1 st round of counseling/ admissions	16 th July – 20 th July
Last date for joining the allotted college and course	27 th July
2 nd round of counseling for allotment of seats from waiting list	4 th August - 7 th August
Last date for joining for candidates allotted seats in 2 nd round of counseling	14 th August
Commencement of academic session	1 st September

(C) **PROPOSED TIME SCHEDULE FOR ADMISSIONS TO UNDERGRADUATE COURSE**

Schedule for admission	Seats filled up by the State Govt./ Institutions	Seats filled up by the Central Government all India Entrance Examination through
Conduct of Examination	Month of May	Month of May
Declaration of Result of qualifying examination/ entrance examination	By 5 th of June	By 15 th of June
1 st Round counselling/admission	1 st July to 10 th July	11 th July to 20 th July
Last date for joining the allotted college and course	17 th July	27 th July
2 nd Round counselling/admission	21 st July to 26 th July	3 rd August to 8 th August
Last date for joining for the candidates allotted seats in 2 nd Round of counselling	3 rd August	16 th August
3 rd Round of counselling	26 th August to 27 th August	21 st August to 24 th August
Last date for joining for the candidates allotted seats in 3 rd round of counselling	31 st August	31 th August
Commencement of academic session	1 st of September	1 st of September
Last date up to which students can be admitted against vacancies arising due to any reason	30 th September	

The above minutes were read and confirmed in the meeting itself.

135. Sree Gokulam Medical College & Research Foundation, Trivandrum, Kerala – Renewal of Permission for admission of 5th

Batch of MBBS students against the increased intake i.e. from 50 to 150 for the academic session 2015-16.

Read: the matter with regard to Sree Gokulam Medical College & Research Foundation, Trivandrum, Kerala – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50 to 150 for the academic session 2015-16.

The Executive Committee of the Council observed that at its meeting held on 27.03.2015 had decided as under:-

"The Executive Committee of the Council observed that at its meeting dt. 13/01/2015, it was decided as under:

"The Executive Committee of the Council considered the Council Assessors report (2nd & 3rd December, 2014) and noted the following:-

1. *Bed occupancy was 65 % on day of assessment.*
2. *There were only 2 patients in ICCU on day of assessment.*
3. *AERB approval is not available for all X-ray machines.*
4. *Other deficiencies as pointed out in the assessment report.*

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 50-150 of Sree Gokulam Medical College & Research Foundation, Trivandrum, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (i.e. 2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action."

"The Executive Committee of the Council further noted that the Institute has admitted students for 2014-2015 pursuant to order of Hon'ble Supreme Court after filing undertaking dated nil in the name of Dr. A.M. Gopalan and Dr. K.K. Manojan which states as under:

".....We hereby solemnly affirm that the defects which had been recorded at the time of last inspection by the representative of the Medical Council of India has been duly rectified and at present the defects pointed out in the report do not exist. If the statement made in the undertaking is found to be incorrect at the time of next inspection, we understand that our Bank Guarantee deposited with Medical Council of India for renewal of seats from 50 to 150 will be forfeited by way of penalty".

*In view of the deficiencies listed above, it is amply evident that the institute has failed to rectify previous deficiencies which are still persisting. **

The Executive Committee of the Council also perused the order of Hon'ble Apex Court dt. 18/09/2014 & 25/09/2014, the operative part of which reads as under:

"The relevant portion of the order dated 18.09.2014 passed in W.P. (C) No. 469/2014 by the Hon'ble Supreme Court is reproduced hereunder:-

" Heard the learned senior counsel appearing for both the sides.

Looking at the peculiar facts and circumstances of the case and, especially, when several seats for medical admission are likely to remain vacant for the academic year 2014-15, we are of the view that these matters require urgent consideration and we are giving these interim directions under the provisions of Article 142 of the Constitution of India.

There is one more reason for passing this interim order. We are conscious of the fact that number of physicians in our country is much less than what is required and because of non-renewal of recognition of several medical colleges, our citizens would be deprived of a good number of physicians and therefore, we are constrained to pass this order, whereby at least there would be some increase in the number of physicians after five years. We are running against time because the last date for giving admissions to MBBS Course for the academic year 2014-15 is 30th September, 2014.

We also desire to reconsider the directions given by this Court in the judgment of *Priya Gupta v. State of Chhattisgarh* [(2012) 7 SCC 433], but at this juncture, as we do not have sufficient time to decide all these petitions finally, we are passing this interim order and the matter with regard to reconsideration of the aforesaid judgment would be considered while finally disposing of this group of petitions.

It has been submitted on behalf of the learned senior counsel appearing for all the petitioners/ respondents, who are managing medical colleges, that the defects which had been recorded at the time of the last inspection by the representatives of the Medical Council of India have been duly rectified and at present, the defects pointed out in the reports do not exist. The said fact can be ascertained only by having a fresh Compliance Verification/Inspection. However, the stand taken by the Central Government and the Medical Council of India is to the effect that no such inspection can be undertaken in the present academic session because of paucity of time and it would violate the time schedule laid down by this Court in the case of *Priya Gupta* (supra).

The learned senior counsel appearing for the Medical Council of India has also submitted that the petitioners do not have any legal right for getting renewal of the recognition, especially in view of the fact that the Verification/Inspection Reports are not available for the period in question. The learned senior counsel has relied upon some of the Judgments to substantiate his case and according to him, it would not be just and proper to permit the said medical colleges to take fresh batch of students.

Looking at the peculiar facts of the case and the circumstances stated hereinabove, we direct the petitioners to file undertakings by President/Chairman and Secretary of the petitioners' institutions running medical colleges within 10 days from today, to the effect that there is no defect in the medical colleges run by them and they would also state that their deposit with the MCI, which is around Rs.10 Crores, be forfeited by way of penalty if the statement made in the undertaking is found to be incorrect at the time of the next inspection. A draft undertaking has been given to this Court. A copy of the undertaking, which might be filed by the institutions, shall be served upon the office of the Medical Council of India as well as to the Ministry of Health and Family Welfare, Govt. of India, New Delhi.

We also record the fact that in the recent past, the Medical Council of India has renewed recognition of Government Medical Colleges on the basis of undertakings and therefore, we see no reason not to permit the private colleges to admit students on the basis of undertakings given by their office bearer as a special case.

Notwithstanding any direction given in the case of *Priya Gupta* (supra), if undertakings as stated hereinabove are filed by the institutions managing medical colleges for the academic year 2014-15, admissions shall be given to the students from the merit list prepared by the States and they shall be charged fees prescribed by the Government Medical Colleges of their respective States. The State Authorities, i.e., the Directorate of Medical Education & Research, of the respective States shall send students, in order of their merit, to the medical colleges run by the petitioners, which are situated within their States, within one week from the date of receipt of a copy of this order and the said students shall be admitted to the MBBS Course in accordance with the rules and regulations of the MCI and also regulations dated 16.04.2010 framed by the Medical Council of India, provided undertakings as mentioned above are filed on behalf of the concerned institutions.

It is also clarified that there would be no further counseling in respect of the students who are to be given admission, even if it might result into some heartburning among other students, but in the peculiar facts of the case, we give this direction.

In no case, the admission shall be given after 30th September, 2014. This order shall also apply to all the institutions which had filed their petitions earlier for renewal of their recognition for the academic year 2014-15, but their petitions were rejected or withdrawn for whatever reason, provided undertakings as stated hereinabove are filed

by President/Chairman and the Secretary of those institutions. All those petitions shall be deemed to have been revived and this order shall be deemed to have been passed in those cases also. This order shall only be in respect of renewal of recognition and not for creation of additional seats or for new colleges.

We also record that the Union of India has supported the petitioners in the interest of students. We also direct the Union of India to give wide publicity to this order in print as well as electronic media in the interest of the concerned students.

It is directed that the list of students getting admission in pursuance of this order shall be placed on record of this Court by 1st October, 2014 by the concerned institutions and a copy thereof shall also be sent to the MCI.

These matters shall be treated as part-heard and shall be notified for further hearing in the month of December, 2014."

The Hon'ble Supreme Court thereafter vide its order dated 25.09.2014 issued certain clarification in respect to the order dated 18.09.2014 in W.P. (C) No. 469/2014, which are reproduced hereunder:-

"After hearing the learned counsel for the parties we deem it appropriate to issue following clarifications with regard to our earlier order dated 18th September, 2014. These clarifications shall be read into the said order as if they were always part thereof:-

1. The order dated 18th September, 2014 shall also apply to cases where colleges or institutions were seeking increase in intake capacity and in the current year have been denied permission to admit students after first or second or third or fourth renewal/inspection. In our view such institutions where Renewal/Inspection with respect to increase in capacity were conducted in the present academic year are also entitled to the benefit under the order dated 18th September, 2014.

2. We also clarify that fees chargeable from the students admitted pursuant to our order dated 18th September, 2014 shall be at the same rates as applicable to the students in Government medical colleges in respective States and such fees shall be at the same levels as that of the Government medical colleges till the students so admitted pass out from the private medical colleges or institutions.

3. Our order shall also apply to all similarly situated institutions irrespective of the fact whether any petitions were or are pending in this Court or in any of the High Courts or even if they had not approached any court at all. This order shall also apply even in cases where there were orders of stay in favour of the Medical Council of India restraining the colleges from admitting students for the current academic session.

4. The order shall not apply to colleges or institutions which have been disqualified by the Medical Council of India and/or the Central Government and have been prohibited from making any admissions for the current academic year 2014-15.

5. In cases where two separate lists are prepared and sent by the State agencies one relating to State quota and the other relating to management quota in private institutions, we clarify that for the current academic year there shall be only one list and that shall be the "State quota" alone. There shall not be any management quota list to be sent to the private colleges or institutions taking the benefit under our order dated 18th September, 2014. The Management quota shall also be filled through the State list and the fees chargeable for the management quota shall also be charged at the same levels and rates as applicable to State quota list.

6. We further clarify that private institutions taking benefit under our order dated 18th September, 2014 shall have to take students only from the State agencies and at fees chargeable for students in Government medical colleges as stated above, regardless of their status or claim as Minority Institutions or Deemed Universities."

The Executive Committee of the Council further decided to invoke/forfeit the Bank Guarantees submitted by the Institute and directed the Institute to submit fresh bank guarantees within 2 weeks."

The above decision was communicated to the Central Govt. vide Council letter dated 13.02.2015 with copy to other concerned authorities and the said decision was also communicated to the College authorities vide Council letter dated 13.02.2015.

The Executive Committee of the Council perused the letter from The Principal, Sree Gokulam Medical College & Research Foundation, Trivandrum, Kerala dated 20.02.2015.

The Executive Committee of the Council also perused the opinion dated 14/03/2015 from Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"The querist MCI as sought my opinion on the interpretation of Regulation 8(3)(1)(a), 8(2)(1)(b) and 8(3)(1)(c) of the Establishment of Medical College Regulations, 1999 . My opinion has been sought on the following issues:-

"1. Whether the Council should process the applications of the medical college for renewal of permission for admitting fresh batch of MBBS students for the academic session 2015-16 wherein the Council has invoked Regulations

8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) of Establishment of Medical College Regulation, 1999.

2. Whether the Council while applying Regulation 8(3)(1)(b) of Establishment of Medical College Regulation, 1999 can deny recognition of the MBBS degree granted by medical colleges for the students who have already completed their MBBS course or whether the same will be applicable while considering the case of a medical college for grant of renewal of permission for 5th batch of MBBS students."

I have gone through the Note for Opinion forwarded by the querist and have also discussed the matter for the querist.

The amendment notification dated 16.04.2010 inserting Clause 8(3)1 made it amply clear that the Central Govt. may at any stage convey the deficiencies found during the inspection of the applicant – medical college and provide them an opportunity to rectify the same. However, in case of renewal of permission at different stages, in case the deficiencies with regard to teaching faculty and bed occupancy are found in the medical college above the percentage provided in Regulation 8(3)1(a), 8(3)(1)(b) and 8(3)(1)(c) respectively of the Establishment of Medical College Regulation, 1999, the application of the medical colleges cannot be processed further since, considering the fundamental nature of the deficiencies in clause 8 the rectification is not statutorily contemplated. In such cases there is no provision to grant any time to the medical college for rectification of the deficiencies as the same cannot be rectified within a short span of time.

The relevant portion of the above Regulation are reproduced as under:-

".....

(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, such an institute will not be considered for renewal of permission in that Academic Year.

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, such an institute will not be considered for renewal of permission in that Academic Year.

(c) Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....."

I am informed that the assessment of MCI is carried out by the assessors who are Professors of eminence and high integrity belonging to various Govt. Medical Colleges of the Country and the assessment report is also acknowledged by the Dean/Principal

of the concerned medical college. The truthfulness and veracity of the contents of the report which incorporates factual findings, therefore, cannot be doubted, since, it is done by independent persons in the presence of the Dean/Principal of the concerned medical college. The medical college is statutorily required to maintain minimum academic standards for the benefits of the medical education and the students so as to ensure that the MBBS students get best of teaching and training. The above Regulations are required to be and were notified with the prior approval of the Central Govt. to ensure that each medical college maintains atleast a minimum teaching faculty, infrastructure, clinical material and other physical facilities in their medical colleges.

The Regulations framed by the querist are statutory in nature and hence the Council as well as the Central Govt. is bound to follow the same in letter and spirit.

I am of the considered opinion that in cases of the medical colleges wherein the Council has invoked Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(1)(c) of the Establishment of Medical College Regulation, 1999, after an inspection by the MCI assessors, there is no statutory provision either under the Acts or under the Regulations authorizing the querist to process the same further.

As far as the second question is concerned, I am of the opinion that the applicability of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 while considering the case of a medical college for grant of recognition of MBBS degree will directly affect the MBBS students who have already completed their MBBS course/studies. The language in Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, clearly provides that in case the institute fails to provide minimum teaching faculty and bed occupancy, the institute shall not be considered for renewal of permission. The statutory scheme does not however bar an institute to be considered for the purpose of recognition of MBBS degree of the students who have successfully completed the course. Any such action on part of the querist will be too harsh on such students who have already completed their studies and had/have no control over either the college, the querist or the Central Govt....."

In view of above and upon application of clause 8(3)(1)(c) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 the Executive Committee of the Council decided to reiterate earlier decision of recommending to the Central Govt. not to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 50-150 of Sree Gokulam Medical College & Research Foundation, Trivandrum, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016, not to consider the Institute for processing applications for postgraduate courses in the current Academic year (i.e. 2015-16) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses and to invoke/forfeit the Bank Guarantees submitted by the Institute and directed the Institute to submit fresh bank guarantees within 2 weeks.

The Executive Committee of the Council further observed that with regard to decision on revocation of bank guarantee, the Institute has claimed that it is not applicable as none of the deficiencies pointed out in the assessment report for 2014-2015 academic year have been shown in assessment for 2015-2016 academic year which means that the deficiencies pointed out in 2014-2015 have been rectified for which the undertaking was given. Comparative chart of deficiencies for 2014-2015 & 2015-2016 shows that the contention of the institution that none of the of the deficiencies pointed out in 2014- 2015 have been shown in assessment report for 2015-2016 appears to be correct. In this view of matter, it was decided to obtain legal opinion whether bank guarantee can be invoked in such a case."

The Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has requested the Council to re-consider the case of Sree Gokulam Medical College & Research Foundation, Trivandrum for renewal of permission for the academic session 2015-16.

The Executive Committee of the Council also perused the opinion of the Council Advocate and decided to accept it, which reads as under:-

"The querist has sought may opinion on the representation dated 20.02.2015 submitted by the Sree Gokulam Medical College and Research Foundation, Trivandrum, Kerala (hereinafter referred to as 'medical college') seeking reconsideration of the decision of

the Council to invoke the bank guarantee of the medical college on the basis of the deficiencies found in the inspection carried out on 2nd & 3rd December, 2014.

I have gone through the entire file, as well as the representation dated 20.02.2015 submitted by the medical college, wherein the medical college has stated that the undertaking was given in view of the deficiencies pointed out in the inspection report dated 24th & 25th April, 2014 and the said deficiencies have been rectified and are not existing as per the inspection report dated 2nd & 3rd December, 2014, therefore the decision of the Council revoke the bank guarantee may be reconsidered.

In this regard, the college has also forwarded a chart of deficiencies pointed out in the inspections report dated 24th & 25th April, 2014 and 2nd & 3rd December, 2014, conducted for the academic years 2014-15 & 2015-16.

In view of the same, I am of the opinion that the decision of the Council to invoke the bank guarantee is required to be reconsidered, since the undertaking was given by the medical college only for the deficiencies pointed out in the inspection conducted for the academic year 2014-15 and the same have been rectified by the medical college.

However, in respect of the decision of the Council not to grant renewal of permission for admission of 5th batch of MBBS students against the increased intake of 50 to 150 MBBS admissions for the academic year 2015-16 and the invocation of Regulation 8(3)(1)(c) of Establishment of Medical College Regulation, 1999 on the ground of deficiencies pointed as out in the inspection conducted on 2nd & 3rd December 2014, it shall be open for the Council to proceed against the medical college, in accordance with the IMC Act, 1956 and the Regulations made thereunder.

I have nothing further to add at this point of time."

In view of above, the Executive Committee of the Council decided to

- (i) Accept the legal opinion of the Standing Counsel of MCI to revoke the decision regarding invoking/forfeiting the bank guarantee
- (ii) Revoke the decision of invoking the clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.
- (iii) Reiterate the decision of recommending to the Central Govt. not to renew the permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 50 to 150 in respect of Sree Gokulam Medical College & Research Foundation, Trivandrum, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 upon application of clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

"8(3)(1).....

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of MBBS degree.

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <70%, such an institute will not be considered for renewal of permission in that Academic Year."

136. Appointment of Consultant on contract basis.

Read: the matter with regard to appointment of one Consultant on contract basis.

The Executive Committee of the Council after detailed deliberations decided to appoint Dr. Seema Madan as Consultant on contract basis for a period of 06(six) months on the same terms and conditions applicable to other Consultants. In addition, the Committee decided to provide her with free accommodation in the Council guest house.

137. Establishment of new medical college at Bajehra, Unnao, Uttar Pradesh by F.I. Memorial & Welfare Society, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to establishment of new medical college at Bajehra, Unnao, Uttar Pradesh by F.I. Memorial & Welfare Society, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council observed that at its meeting held on 16.12.2014 had decided as under:-

The Executive Committee of the Council considered the Council Assessors report (9th & 10th December, 2014) and noted the following:-

1. *Shortage of teaching faculty 66.67% as detailed in the report.*
2. *Shortage of resident doctors is 57.78% as detailed in the report.*
3. *Deficiency of the infrastructure of college & Hospital: UG Hostel-Mess-space is available but without any cooking equipment. Study Room- space is available but without AC, computer & internet. Recreation room- space is available with treadmill and static (for exercise) only in Boy's hostel no Music system or indoor game.*
4. *Central Photography Unit: There is no staff and no equipment.*
5. *Deficiency of clinical material: Bed occupancy on the day of assessment is only 13.33%. Institutional statistics of average bed occupancy does not correlate with data collected by assessors on first day of assessment.*
6. *OPD attendance was 282 on day of assessment against requirement of 600 as per Regulations.*
7. *Operation Theatres – No major or minor operations were performed on 09/12/2014. There was no normal delivery or Cesarean section conducted on 9th Dec.2014. O.T. was practically closed and nonfunctional. Dust present inside the OTs suggested that OTs were not functioning since many days and the registers were fabricated.*
8. *Wards:: In most of the wards, fake patients were admitted on 9th Dec.2014. The case papers were without proper clinical notes. Nursing stations, examination and treatment rooms, pantries, store rooms, duty doctor rooms and demo rooms-space is available but without sufficient furniture, equipments, drug trays. Bins for sterile cotton gauze were empty. Store room-and Doctors' duty room were only empty spaces Demonstration rooms were without chairs and teaching aids. Central oxygen and suction was not working.*
9. *SICU is not available.*
10. *CSSD: Receiving and distribution points are not separate. ETO sterilizer is not available.*
11. *Website: Information regarding faculty & non-teaching staff is not provided.*
12. *Anatomy department: Number of cadavers, Cold storage facilities and Disarticulated Bone sets are inadequate as detailed in report.*
13. *Physiology department: In Clinical Physiology laboratory, only 4 tables are available against requirement of 10.*
14. *As per the statement of Dr. A.A. Faruqui, Assoc. Prof. of Pharmacology and Dr. Shivratan Joshi, Asstt. Prof. of Surgery who were absent during attendance (till 11 am), someone signed on their behalf and they verified that those were not their signatures.*
15. *Other deficiencies as pointed out in the assessment report.*

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Bajehra, Unnao, Uttar Pradesh by F.I. Memorial & Welfare Society, Lucknow under Chhatrapati Shahuji Maharaj University, Kanpur, Uttar Pradesh to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2014-2015 and further decided to apply clause 8(3)(1)(a) & (d) of Establishment of Medical College Regulation (Amendment), 2010(Part II), dated 16th April, 2010 which read as under:-

"8(3)(1).....

(a) Colleges in the stage upto II renewal (i.e. Admission of third batch):

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <

60% such an institute will not be considered for renewal of permission in that Academic Year.

(d) Colleges which are found to have employed teachers with faked/forged documents:

If it is observed during any institute is found to have employed a teacher with faked/forged documents and have submitted the declaration form of such a teacher, such an institute will not be considered for renewal of permission/recognition for award of MBBS degree/processing the applications for postgraduate courses for two academic years i.e. that academic year and the next academic year also.

It was further decided to place the matter before Ethics Committee for its consideration and also to return the new application dated 29.08.2014 of F.I. Memorial & Welfare Society, Lucknow received through the Central Govt. vide letter dated 17.09.2014 to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Bajehra, Unnao, Uttar Pradesh by F.I. Memorial & Welfare Society, Lucknow under Chhatrapati Shahuji Maharaj University, Kanpur, Uttar Pradesh."

The Executive Committee of the Council further observed that at its meeting held on 02.03.2015 had taken into consideration the letter of the Central Government dated 28.01.2015 and the legal opinion dt. 17.02.2015 from the Addl. Solicitor General and had decided as under:-

".....In view of above legal opinion, the Executive Committee of the Council decided to reiterate its earlier decision to place the matter before Ethics Committee for its consideration and also to return the new application dated 29.08.2014 of F.I. Memorial & Welfare Society, Lucknow received through the Central Govt. vide letter dated 17.09.2014 to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Bajehra, Unnao, Uttar Pradesh by F.I. Memorial & Welfare Society, Lucknow under Chhatrapati Shahuji Maharaj University, Kanpur, Uttar Pradesh u/s 10 of the Indian Medical Council Act,1956 for the Academic Year 2015-16."

The Committee further observed that the Central Govt. vide its communication dt. 28.04.2015 has requested the Council to review/assess the scheme as per the specific recommendations of the Hearing Committee and compliance documents submitted by the colleges/applicants and furnish its recommendations accordingly to the Ministry.

In view of above and opinion of the Additional Solicitor General of India and upon application of section 8(3)(1)(d), the Executive Committee of the Council decided to reiterate its earlier decision to place the matter before Ethics Committee for its consideration and also to return the new application dated 29.08.2014 of F.I. Memorial & Welfare Society, Lucknow received through the Central Govt. vide letter dated 17.09.2014 to the Central Government recommending disapproval of the scheme for establishment of a new medical college at Bajehra, Unnao, Uttar Pradesh by F.I. Memorial & Welfare Society, Lucknow under Chhatrapati Shahuji Maharaj University, Kanpur, Uttar Pradesh u/s 10A of the Indian Medical Council Act,1956 for the Academic Year 2015-16.

138. Increase of MBBS seats from 100 to 150 at Saraswati Institute of Medical Sciences, Hapur for the academic session 2015-16.

Read: the matter with regard to increase of MBBS seats from 100 to 150 at Saraswati Institute of Medical Sciences, Hapur for the academic session 2015-16.

The Executive Committee of the Council considered the Central Govt. letter dated 28.04.2015 forwarding the representation dated 23.04.2015 received from the Principal, Saraswati Institute of Medical Sciences, Hapur and decided to verify the compliance by way of assessment only with regard to application of section 8(3)(1)(c).

139. Confidential report dated 11.03.2015 in the case of Dr. A.R.N. Setalvad, Former Secretary, MCI.

Read: the matter with regard to Confidential report in the case of Dr. A.R.N. Setalvad, Former Secretary, MCI.

The Executive Committee of the Council perused the report of the Enquiry Officer Hon'ble Mr. Justice Anil Dev Singh (Retd.) dated 11.03.2015 and decided to forward a copy of the said report in sealed cover to the delinquent official and obtain his comments within a period of 02(two) weeks. Thereafter with his comments, the report be placed before the Executive Committee for final decision in the matter.

The above minutes were read and confirmed in the meeting itself.

140. Mediciti Institute of Medical Sciences, Ghanpur – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 at Mediciti Institute of Medical Sciences, Ghanpur for the academic session 2015-16.

The Executive Committee of the Council considered the compliance submitted by the Principal of Mediciti Institute of Medical Sciences, Ghanpur vide letter dated 28.04.2015 alongwith the letter of the Central Government, Ministry of Health & F.W., dated 29.04.2015 and decided to verify the compliance by way of assessment.

The meeting ended with a vote of thanks to the Chair.

New Delhi, dated
29th April, 2015

(Dr. Reena Nayyar)
Secretary I/c

APPROVED

(Dr. Jayshree Mehta)
President