

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 13th May, 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

At the outset, the Chief Secretaries/ Principal Secretaries of the following States attended the hearing given by the Executive Committee:-

1. Andaman Nicobar Administration
2. Andhra Pradesh
3. Bihar
4. Chhattisgarh

5. Delhi
6. Gujarat
7. Haryana
8. Jammu & Kashmir
9. Jharkhand
10. Madhya Pradesh
11. Kerala
12. Karnataka
13. Punjab
14. Puducherry
15. Rajasthan
16. Tamilnadu
17. Uttar Pradesh
18. West Bengal

The Chief Secretary/ Principal Secretary of the State of Maharashtra did not attend the hearing. The Executive Committee of the Council thanked all the Chief Secretaries/Principal Secretaries for making it convenient to attend the hearing at such short notice and decided to send a letter to this effect to all those who attended. The Committee also decided to write a letter to the Chief Minister of the State of Maharashtra with copy to the Central Government, Ministry of Health & F.W., informing them of remaining absent of its Chief Secretary/Principal Secretary.

1. Minutes of the Executive Committee Meeting held on 29th April, 2015 – Confirmation of.

The Executive Committee of the Council confirmed the minutes of the Executive Committee meeting held on 29th April, 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 29th April, 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 3rd batch (50 seats) of Late Shri Lakhi Ram Agrawal Memorial Govt. Medical College, Raigarh, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur 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 (50 seats) of Late Shri Lakhi Ram Agrawal Memorial Govt. Medical College, Raigarh, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur 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 (03rd & 4th February, 2015), letter dated 11/05/2015 from the Dean, Govt. Medical College, Raigarh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Govt. of Chhattisgarh,

Health & FW. dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (50 seats) of Late Shri Lakhi Ram Agrawal Memorial Govt. Medical College, Raigarh, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

5. Renewal of permission for MBBS course for 5th batch (100 seats) of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna, under the Indira Gandhi Institute of Medical Sciences, Patna (Deemed 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 (100 seats) of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna, under the Indira Gandhi Institute of Medical Sciences, Patna (Deemed 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 (22nd April 2015) alongwith previous assessment report (21st & 22nd November, 2014), representation dated 30/04/2015 from the Director & Vice Chancellor, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna & an email complaint dated 28/03/2015 of Sh. Rajkishore alongwith an undertaking of the Secretary Health Deptt., Govt. of Bihar, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (100 seats) of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna, under the Indira Gandhi Institute of Medical Sciences, Patna (Deemed University) u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

6. Establishment of new medical college at Gadag, Karnataka by Government of Karnataka with an annual intake of 150 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 Gadag, Karnataka by Government of Karnataka with an annual intake of 150 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 considered the compliance verification assessment report (20th April 2015) alongwith previous assessment report (29th & 30th December, 2014), letter dated 08/05/2015 from the Principal Secretary to Govt. Health & F.W. Department, Medical Education, Bangalore furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary Health, Medical Education, Govt. of Karnataka dated 13.05.2015 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Gadag, Karnataka by Government of Karnataka under the Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

7. Renewal of permission for MBBS course for 2nd batch (100 seats) of Govt. Medical College, Palakkad, 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 Govt. Medical College, Palakkad, 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 (22nd April 2015) alongwith previous assessment report (05th & 06th January, 2015) and noted the following:-

1. Deficiency of faculty is 28.8 % as detailed in the report.
2. Shortage of Residents is 53.7 % as detailed in the report.
3. OPD: Registration counters are not computerized. Teaching areas are not available. Deficiency remains as it is.
4. Wards: Demonstration rooms are not available. Deficiency remains as it is.
5. O.T.: Infusion pumps are not available.
6. CSSD is not available.
7. Students' Hostel: Available accommodation is only for 99 against requirement of 150. Presently they are accommodated in rented premises which is not permissible.
8. Residents' Hostel: Not available. Deficiency remains as it is.
9. Residential Quarters: None available for faculty or non-teaching staff.
10. MRD: It is not computerized.
11. Lecture Theaters: facility for E class is not available. Lecture Theater in the hospital is not available.
12. Central Library: Area available is 803 sq.m. Print journals are not available. Deficiency remains as it is.
13. Boys' common room is not available. Deficiency remains as it is.
14. Central Photography section is not available.
15. Pathology department: Offices for Asst. prof. & Tutors are shared with Microbiology department.
16. Microbiology department: Media preparation facility is not available.
17. Forensic Medicine department: Practical laboratory is not available.
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 2nd batch (100 seats) of Govt. Medical College, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

8. **Establishment of new medical college at Port Blair, Andaman & Nicobar by U.T Andaman & Nicobar Administration with an annual intake of 100 MBBS students under Pondicherry 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 Port Blair, Andaman & Nicobar by U.T Andaman & Nicobar Administration with an annual intake of 100 MBBS students under Pondicherry 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 (24th April 2015) alongwith previous assessment report (22nd & 23rd January, 2015), letter dated 11/05/2015 from the Director, Andaman and Nicobar Institute of Medical Sciences, Port Blair furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Secretary(Health), Andaman Nicobar Administration dated 13.05.2015 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Port Blair, Andaman & Nicobar by U.T Andaman & Nicobar Administration under Pondicherry University with an

annual intake of 100 MBBS students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

9. Renewal of permission for MBBS course for 3rd batch (100 seats) of Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar under Aryabhatta Knowledge University, Patna 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 Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar under Aryabhatta Knowledge University, Patna 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 (28th April 2015) alongwith previous assessment report (22nd & 23rd January, 2015) and noted the following:-

1. Deficiency of faculty is 47.2 % as detailed in the report.
2. Shortage of Residents is 76 % as detailed in report.
3. O.T.: Four O.T.s are made available without due infrastructure.
4. There is no Central Oxygen or Nitrous Oxide.
5. ICUs: NIL patient is admitted in MICU& only 1 patient is admitted in ICCU on day of assessment.
6. CSSD: It is not available. ETO Sterilizer is not available.
7. OPD: It has not yet shifted to new building as yet. Deficiencies of Examination rooms, Teaching areas, Dressing room are not rectified.
8. Pure Tone Audiometer is not functional. Audiometrist& Speech Therapist are not available. Deficiency remains as it is.
9. Wards: There is no ward for Tb & Chest department. Ophthalmology ward is common for males/females.
10. Lecture Theaters: Facility for E class is not available.
11. Laboratory investigation workload is inadequate. Histopathology & Cytopathology workload is NIL. No faculty from Pathology department is posted in central laboratory. Instruments are inadequate.
12. Central Library: Staff is not available. Internet nodes & Computers are not available. Foreign journals are not available.
13. Central Photography section is not available.
14. Nurses' hostel is yet to be completed. Deficiency remains as it is.
15. Residential quarters are yet to be completed.
16. MRD: It is not available. Medical Records Officer is not available.
17. Central Clinical Laboratory: It is still not divided into various sections. Staff is inadequate. Deficiency remains as it is.
18. Intercom is not available.
19. Nursing staff: Only 51 Nurses are available against requirement of 175. Deficiency remains as it is.
20. Paramedical staff: Only 55 Paramedical staff are available against requirement of 101. Deficiency remains as it is.
21. Anatomy department: Audiovisual aids are not available. Only 15 specimens are available. Band saw is not available. There are only 2 cadavers.
23. Paraclinical departments of Pathology, Microbiology Pharmacology & Forensic Medicine are not functional. Deficiencies remain as they are.
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 3rd batch (100 seats) of Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

10. Renewal of permission for MBBS course for 3rd batch (100 seats) of ESIC Medical College, Joka, Kolkata, 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 (100 seats) of ESIC Medical College, Joka, Kolkata, 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 April 2015) alongwith previous assessment report (10th & 11th December, 2014) and noted the following:-

1. Deficiency of faculty is 33 % as detailed in report.
2. Shortage of Residents is 36 % as detailed in the report.
3. OPD: Four examination rooms are not available in Orthopaedics, Ophthalmology, Tb & Chest departments. Teaching area is not available in Orthopaedic & Eye OPD. Injection room is common for male & female. Dressing room is common for male & female.
4. Wards: Wards for Tb & Chest, Psychiatry, and Skin & VD are not available.
5. Casualty: Ventilator is not available.
6. Audiometrist & Speech Therapist are not available.
7. MRD: It is partly computerized. Statistician is not available.
8. ETO Sterilizer is not available.
9. Nursing staff: Only 151 Nurses are available against requirement of 175.
10. Microbiology department: Laboratories are non-functional. Practical laboratory is not available. Paramedical staff is inadequate. Audiovisual aids are not available. Museum is non-functional.
11. Pharmacology department: Experimental Pharmacology department is unequipped & non-functional.
12. RHTC: It is not under control of Dean.
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 (100 seats) of ESIC Medical College, Joka, Kolkata, 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.

11. Renewal of permission for MBBS course for 2nd batch (150 seats) of A.C. Subba Reddy Govt. Medical College, Nellore, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada, A.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 A.C. Subba Reddy Govt. Medical College, Nellore, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada, A.P. 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 April 2015) alongwith previous assessment report (06th & 07th January, 2015), letter dated 11/05/2015 from the Director of Medical Education, Government of Andhra Pradesh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Special Chief Secretary,

Deptt. of Medical & Health, Govt. of Andhra Pradesh, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (150 seats) of A.C. Subba Reddy Govt, Medical College, Nellore, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada, A.P. u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

12. Establishment of new medical college at Gondia, Maharashtra by Government of Maharashtra with an annual intake of 100 students under the 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 establishment of new medical college at Gondia, Maharashtra by Government of Maharashtra with an annual intake of 100 students under the 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 compliance verification assessment report (27th April 2015) alongwith previous assessment report (29th & 30th December, 2014) and noted the following:

1. Deficiency of faculty is 77.77 % as detailed in the report.
2. There has been no fresh appointment of any faculty or Resident since previous assessment. No Professor, Asso. Prof. & Asst. prof. reported for attendance till 2 p.m.
3. There is no permanent Dean.
4. Preclinical departments of Anatomy, Physiology, and Biochemistry are not fully functional.
5. Students' Hostels are not available.
6. Lecture Theater: They are not of gallery type. Deficiency remains as it is.
7. Residential quarters for faculty & non-teaching staff are not available in the campus. Deficiency remains as it is.
8. Central Photography section is not available. Deficiency remains as it is.
9. Labour room is not as per specifications. Deficiency remains as it is.
10. CSSD is not available. Deficiency remains as it is.
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 for establishment of a new medical college at Gondia, Maharashtra by Government of Maharashtra under the Maharashtra University of Health Sciences, Nashik to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

13. Renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Medical College, Manjeri, Kerala under Kerala University of Health and Allied 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 3rd batch (100 seats) of Govt. Medical College, Manjeri, Kerala under Kerala University of Health and Allied 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 (20th April 2015) alongwith previous assessment report (05th & 06th January, 2015) alongwith an undertaking of the Secretary (Health & FW), Govt. of Kerala, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (100 seats) of Govt. Medical College, Manjeri, Kerala under Kerala University of Health and Allied Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

14. M.P. Shah Medical College, Jamnagar – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 175-200 for the academic session 2015-16.

Read: the matter with regard to M.P. Shah Medical College, Jamnagar – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 175-200 for the academic session 2015-16 .

The Executive Committee of the Council considered the compliance verification assessment report (17.04.2015) along with assessment report (31st October, 2014 and 1st November, 2014), representation dated 04/05/2015 from the Dean, M.P. Shah Medical College, Jamnagar alongwith an undertaking from the Principal Secretary (Medical Education), Govt. of Gujarat dated 13.05.2015 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 175-200 of M.P. Shah Medical College, Jamnagar under Saurashtra University, Rajkot u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

15. Govt. Medical College, Bhavnagar – 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 – regarding.

Read: the matter with regard to Govt. Medical College, Bhavnagar – 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 (15.04.2015) along with assessment report (1st & 2nd 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 100-150 of Govt. Medical College, Bhavnagar under Maharaja Krishnakumarsinghji Bhavnagar University, Bhavnagar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

16. King George's Medical University, Uttar Pradesh, Lucknow, Uttar Pradesh (Previously known as Chhatrapati Shahuji Maharaj Medical University, Lucknow) – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 185-250 for the academic session 2015-16.

Read: the matter with regard to King George's Medical University, Uttar Pradesh, Lucknow, Uttar Pradesh (Previously known as Chhatrapati Shahuji Maharaj Medical University, Lucknow) – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 185-250 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 (12th

& 13th November, 2014) and representation dated 02/05/2015 from the Dean, King George's Medical University, Lucknow alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 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 185-250 of King George's Medical University, Lucknow, Uttar Pradesh (Previously known as Chhatrapati Shahuji Maharaj Medical University, Lucknow) u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

17. S.N. Medical College, Agra – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 128-150 for the academic session 2015-16.

Read: the matter with regard to S.N. Medical College, Agra – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 128-150 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (27.04.2015) along with assessment report (5th & 6th December, 2014), representation dated 07/05/2015 from the Director General, Medical Education & Training, U.P. Lucknow and representation dated 11/5/2015 received from the Chief Secretary, Govt. of Uttar Pradesh alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 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 128-150 of S.N. Medical College, Agra under Dr. B.R. Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

18. Govt. Medical College & Hospital, Chandigarh – 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 Govt. Medical College & Hospital, Chandigarh – 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 (29.04.2015) along with assessment report (9th & 10th December, 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 50-100 of Govt. Medical College & Hospital, Chandigarh under Punjab University, Chandigarh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

19. Bankura Sammilani Medical College, Bankura – 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 Bankura Sammilani Medical College, Bankura – 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 (27.04.2015) along with assessment report (9th & 10th December, 2014) alongwith an undertaking of the Principal Secretary,

Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 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 Bankura Sammilani Medical College, Bankura under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

20. Govt. Medical College, Kota – 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 Govt. Medical College, Kota – 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 (29.04.2015) along with assessment report (3rd & 4th December, 2014) and representation dated 10/05/2015 from the Principal & Controller, Govt. Medical College & A.G. Hospitals, Kota furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Rajasthan, dated 13.05.2015 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 Govt. Medical College, Kota under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

21. Renewal of permission for MBBS course for 3rd batch (150 seats) of Chandulal Chandrakar Memorial Medical College, Durg, Chhattisgarh under Chhattisgarh Ayush & Health Sciences, University, Raipur 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 Chandulal Chandrakar Memorial Medical College, Durg, Chhattisgarh under Chhattisgarh Ayush & Health Sciences, University, Raipur 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 (23rd & 24th January, 2015) and representation dated nil(received in the Council Office on 05/05/2015) from the Dean/Director, Chandulal Chandrakar Memorial Medical College, Durg, Chhattisgarh and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of Chandulal Chandrakar Memorial Medical College, Durg, Chhattisgarh under Chhattisgarh Ayush & Health Sciences, University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

22. Establishment of new medical college at Akathumuri, Varkala, Thiruvananthapuram, Kerala by S.R. Educational & Charitable Trust, Thiruvananthapuram, Kerala with an annual intake of 100 students 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 establishment of new medical college at Akathumuri, Varkala, Thiruvananthapuram, Kerala by S.R. Educational & Charitable Trust, Thiruvananthapuram, Kerala with an annual intake of 100 students 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 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 75.47 % as detailed in the report.
2. Shortage of Residents is 95.55 % as detailed in report.
3. There were only 40 patients in wards giving bed occupancy of 13.33 %. Most of these patients were admitted after arrival of assessors and were not genuine. There were no postoperative patients in wards.
4. Computerization record of past was not available on day of assessment. Registers were available but names of admitted patients did not match. Patient shown to have undergone LSCS 2-3 days back was not found in wards.
5. There were NIL Major & Minor operations on day of assessment.
6. There was NIL Normal delivery or Caesarean section on day of assessment.
7. Records of Radiological & Laboratory Investigations were not available.
8. ICUs: There was NIL patient in ICCU or in ICU on day of assessment.
9. OPD attendance was very less. College was not able to provide exact data as the system was out of order due to heavy rains.
10. Central Library: Staff is inadequate.
11. Students' Hostels: Study room with computer & Internet & Recreation room are not available.
12. Residents' Hostel: Accommodation is available for 24 Residents which is not furnished. No Resident is staying in hostel.
13. Nurses' Hostel: It is not available.
14. Audiometry & Speech therapy: Equipment is not operational.
15. Anatomy department: Cadavers are not available. Lockers are inadequate. Wet specimens are inadequate.
16. Physiology department: There are no instruments in Clinical Physiology & Mammalian Physiology Laboratories.
17. 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 Akathumuri, Varkala, Thiruvananthapuram, Kerala by S.R. Educational & Charitable Trust, Thiruvananthapuram, Kerala under Kerala University of Health Sciences, Thrissur 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.

23. Establishment of new medical college at Raipur, Chhattisgarh by Lord Buddha Educational Society, Raipur, Chhattisgarh with an annual intake of 150 students under Chhattisgarh Ayush and Health Sciences University, Raipur 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 Raipur, Chhattisgarh by Lord Buddha Educational Society, Raipur, Chhattisgarh with an annual intake of 150 students under Chhattisgarh Ayush and Health Sciences University, Raipur 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 (14th & 15th October, 2014) and noted the following:

1. Deficiency of faculty is 57.4 % as detailed in the report.
2. Shortage of Residents is 44.4 % as detailed in the report.
3. Majority of staff offices in the hospital were lying vacant, giving a deserted look with no evidence of their occupation. Deficiency remains as it is.
4. OPD attendance was only 270 on day of assessment. At the time of taking round, waiting area was empty.
5. Bed occupancy was only 19 % on day of assessment.
6. There was NIL Normal delivery or Caesarean section on day of assessment. On an average only 4 deliveries are conducted per month.
7. There were NIL Major operations & only 3 Minor operations on day of assessment. Total only 92 operations were performed in the month of April till date of assessment (i.e. 24/04/2015) out of which Anaesthesia was given only in 79 cases. Thus daily average of Major operations is 3.4 which is inadequate.
8. ICUs: There was no patient in ICCU, SICU, MICU, PICU/NICU on day of assessment.
9. Radiological & Laboratory investigations are still grossly inadequate.
10. Anatomy department: Only 10 specimens are available. There are no cadavers.
11. Central Library: It is not air-conditioned.
12. Casualty: There were only 2 patients on day of assessment.
13. Dean & staff of Medical College arrived only at 10:30 a.m.
14. 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 Raipur, Chhattisgarh by Lord Buddha Educational Society, Raipur, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur 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.

24. **Renewal of permission for MBBS course for 2nd batch (100 seats) of Govt. Medical College, Rajnandgaon, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur, Chhattisgarh 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 Govt. Medical College, Rajnandgaon, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur, Chhattisgarh 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 (23rd & 24th January, 2015) and letter dated 09/05/2015 from the Dean, Govt. Medical College, Rajnandgaon furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Govt. of Chhattisgarh, Health & FW. dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (100 seats) of Govt. Medical College, Rajnandgaon, Chhattisgarh under Chhattisgarh Ayush and Health Sciences University, Raipur, Chhattisgarh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

25. Renewal of permission for MBBS course for 3rd batch (50 seats) of North Delhi Municipal Corporation Medical College, Delhi under Guru Gobind Singh Indraprastha University, New Delhi 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 (50 seats) of North Delhi Municipal Corporation Medical College, Delhi under Guru Gobind Singh Indraprastha University, New Delhi 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 (29th April 2015) alongwith previous assessment report (12th & 13th December, 2014) and letter dated 09/05/2015 from the Dean, North DMC Medical College & Hindu Rao Hospital, Malka Ganj, Delhi furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Additional Commissioner (Health), Govt. of NCT of Delhi, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (50 seats) of North Delhi Municipal Corporation Medical College, Delhi under Guru Gobind Singh Indraprastha University, New Delhi u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

26. Establishment of new medical college at Lucknow, Uttar Pradesh by G.C.R.G Memorial Trust, Lucknow, Uttar Pradesh with an annual intake of 150 students under Dr. Ram Manohar Lohia Awadh University, Faizabad 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 Lucknow, Uttar Pradesh by G.C.R.G Memorial Trust, Lucknow, Uttar Pradesh with an annual intake of 150 students under Dr. Ram Manohar Lohia Awadh University, Faizabad 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. Deficiency of faculty is 20 % as detailed in the report.
2. Shortage of Residents is 100 %. No resident doctor is staying in the hostel.
3. Bed occupancy is 57 % on day of assessment. Many patients did not require admission. There was no patient in Tb & Chest, psychiatry & Skin & VD wards as they were locked.
4. Wards are not as per MSR Regulations as detailed in the report. There is no Orthopaedics female ward.
5. O.T.: Resuscitation equipment is inadequate.
6. ICU: There was no genuine patient in ICCU. Patients with non-cardiac condition like Diarrhoea was admitted in ICCU. Photocopy of case paper was not provided. There was NIL patient in MICU. There was only 1 patient in SICU who was not critical and was kept there for last 5 days. Ventilator is not available.
7. OPD attendance as claimed by the institute at 643 is inflated as it was only 240 till 12 noon. Many healthy persons were brought in to OPD after 1 p.m.
8. Data of clinical material provided by the institute is highly inflated.
9. There was only 1 Minor operation on day of assessment while the institute has claimed there were 19.
10. Lecture theater in the Hospital is not available. Deficiency remains as it is.

11. Central Library is air-conditioned but it is inadequate in terms of total area & sitting capacity.
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 Lucknow, Uttar Pradesh by G.C.R.G Memorial Trust, Lucknow, Uttar Pradesh under Dr. Ram Manohar Lohia Awadh University, Faizabad 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.

27. **Establishment of new medical college at Juhu, Mumbai, by Municipal Corporation of Greater Mumbai, Maharashtra with an annual intake of 150 students 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 establishment of new medical college at Juhu, Mumbai, by Municipal Corporation of Greater Mumbai, Maharashtra with an annual intake of 150 students 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 compliance verification assessment report (27th April 2015) alongwith previous assessment report (17th & 18th December, 2014) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Juhu, Mumbai, by Municipal Corporation of Greater Mumbai, Maharashtra under Maharashtra University of Health Sciences, Nashik with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

28. **Assessment of the physical and other teaching facilities available for recognition/approval of Indira Gandhi Medical College & Research Institute, Puducherry for the award of MBBS degree (150 seats) granted by Pondicherry University 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 Indira Gandhi Medical College & Research Institute, Puducherry for the award of MBBS degree (150 seats) granted by Pondicherry University u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (27th April 2015) alongwith previous assessment report (08th & 09th December 2014) and noted the following:

1. Deficiency of faculty is 16.99 % as detailed in the report.
2. Shortage of Residents is 33.6 % as detailed in the report.
3. Bed occupancy is 50.2 % on day of assessment.
4. Special investigations like Ba, IVP were not performed on day of assessment.
5. CT scan is not yet installed.
6. ICUs: There was NIL patient in NICU, RICU on day of assessment.
7. Only 4 static X-ray machines are available against requirement of 6 as per Regulations
8. Residential quarters for faculty & non-teaching staff are still under construction.

9. Examination: Allocation of marks by Puducherry University is not as per Regulations as detailed in the report. Deficiency remains as it is.
10. Auditorium is under construction.
11. Other deficiencies as pointed out in the assessment report.

In view of the above the committee decided not to recommend recognition/approval of Indira Gandhi Medical College & Research Institute, Puducherry for the award of MBBS degree (150 seats) granted by Pondicherry University u/s 11(2) of the IMC Act, 1956 and to give one month time to the institution to rectify deficiencies and submit the compliance to the council.

Further the committee considering an undertaking of the Secretary Health, Govt. of Puducherry dated 13.05.2015 decided to recommend to the Central Government to renew the permission for admission of 6th batch of 150 MBBS students at Indira Gandhi Medical College & Research Institute, Puducherry for the academic year 2015-2016.

29. Pondicherry Institute of Medical Sciences, Pondicherry – 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 Pondicherry Institute of Medical Sciences, Pondicherry – 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 (17.04.2015) along with assessment report (22nd & 23rd January, 2015) and noted the following:-

1. Shortage of residents is 19.9 % as detailed in the report.
2. Bed occupancy is 49.83 % on the day of assessment.
3. Special investigations like Ba, IVP are not performed.
4. ICU: There are only 4 beds against requirement of 5 beds.
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 Pondicherry Institute of Medical Sciences, Pondicherry under Pondicherry University, Pondicherry u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

30. S.V. Medical College, Tirupati – 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 S.V. Medical College, Tirupati – 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 (28.04.2015) along with assessment report (29th & 30th October, 2014), representation dated 11/05/2015 from the Director of Medical Education, Andhra Pradesh alongwith an undertaking of the Special Chief Secretary, Deptt. of Medical & Health, Govt. of Andhra Pradesh, dated 13.05.2015 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 150-200 of S.V. Medical College, Tirupati under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

31. Recognition/Approval of T.D. Medical College, Alappuzha for the award of MBBS degree granted by Kerala University of Health & Allied Sciences, against the increased intake i.e. from 100 to 150 seats.

Read: the matter with regard to recognition/Approval of T.D. Medical College, Alappuzha for the award of MBBS degree granted by Kerala University of Health & Allied Sciences, against the increased intake i.e. from 100 to 150 seats.

The Executive Committee of the Council considered the compliance verification assessment report (28.04.2015) along with the previous assessment reports and noted the following:

1. Deficiency of faculty is 10.76 % as detailed in report.
2. Shortage of residents is 28.57 % as detailed in report.
3. Lecture Theatre: There is shortage of 2 lecture theaters of 180 capacity & 1 of 350 capacity. Deficiency persists.
4. Central Library: Deficiency remains as it is.
5. Examination Hall: Deficiency remains as it is.
6. Other deficiencies as pointed out in the assessment report.

In view of the above the committee decided not to recommend to the Central Government for recognition/approval of T.D. Medical College, Alappuzha for the award of MBBS degree granted by Kerala University of Health & Allied Sciences, against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and to give one month time to the institution to rectify deficiencies and submit the compliance to the council.

Further the committee considering the undertaking of Secretary (Health & FW) Government of Kerala dt. 13.05.2015 decided to recommend to the Central Government to renew the permission for admission of fresh batch of increase of seats from 100 to 150 MBBS students at T.D. Medical College, Alappuzha for the academic year 2015-2016.

32. Dr. Vaishmpayan Memorial Govt. Medical College, Solapur – 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 Dr. Vaishmpayan Memorial Govt. Medical College, Solapur – 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 (29.04.2015) along with assessment report (17th & 18th December, 2014) and representation dated Nil from the Dean, Dr. Vaishmpayan Memorial Govt. Medical College, Solapur and noted the following:-

1. Shortage of Residents is 52.59 % as detailed in the report.
2. Interns' Hostel is not available. Deficiency remains as it is.
3. Lecture Theaters: Facility for E class is not available. Deficiency remains as it is.

4. Central Library: There is no expansion since last assessment. Available area is 1,654 sq.m. which is inadequate. Reading room (outside) has capacity of 126 against requirement of 150. Reading room (inside) has capacity of only 56 against requirement of 150 & is shared as PG reading room also. Only 59 journals are available against requirement of 100. Only 20 Internet nodes are available. Deficiency remains as it is.
5. CSSD: ETO Sterilizer is not available.
6. Capacity of 2nd Demonstration room in the departments of Microbiology, Pharmacology, Forensic Medicine, Community Medicine is smaller than required.
7. RHTC: Residential accommodation is not available. Deficiency remains as it is.
8. 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 of MBBS students against the increased intake i.e. from 100-150 of Dr. Vaishmpayan Memorial Govt. Medical College, Solapur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

33. e-Governance with paperless administration through technological interventions for "Digital MCI".

Read: the matter with regard to e-Governance with paperless administration through technological interventions for "Digital MCI".

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

34. Approval of the minutes of the Administration and Grievance Committee meeting held on 18/03/2015.

Read: the matter with regard to approval of the minutes of the Administration and Grievance Committee meeting held on 18/03/2015.

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

35. Consideration of the Report of the Departmental Promotion Committee for the post of Assistant Secretary in the MCI.

Read: the matter with regard to consideration of the report of the Departmental Promotion Committee for the post of Assistant Secretary in the MCI.

The Executive Committee of the Council perused the Order of the Hon'ble High Court dated 24.04.2015 in WP No. 6754/2013 and approved the minutes of the Departmental Promotion Committee.

The Committee further decided to constitute a Departmental Promotion Committee consisting of the following members for the resultant vacancies created:-

1. Dr. Jayshree Mehta, President
2. Dr. C.V. Bhirmanandham, Vice President
3. Dr. K.K. Gupta, Member, Executive Committee
4. Dr. G.B. Gupta, Member, Executive Committee
5. Secretary, MCI

36. Renewal of permission for MBBS course for 5th batch (100 seats) of College of Medicine and Sagore Dutta Hospital, Kolkata, 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 (100 seats) of College of Medicine and Sagore Dutta Hospital, Kolkata, 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 (29th April 2015) alongwith previous assessment report (18th & 19th November, 2014), letter dated 09.05.2015 from the college authorities furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors alongwith an undertaking of the Principal Secretary, Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (100) of College of Medicine and Sagore Dutta Hospital, Kolkata, West Bengal under the West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

37. Renewal of permission for MBBS course for 3rd batch (100 seats) of ESIC Medical College, Chennai, Tamilnadu 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 renewal of permission for MBBS course for 3rd batch (100 seats) of ESIC Medical College, Chennai, Tamilnadu 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 (28th April 2015) alongwith previous assessment report (31st October & 1st November, 2014) and noted the following:-

1. Deficiency of faculty is 33.88 % as detailed in the report.
2. Shortage of Residents is 38.23 % as detailed in the report.
3. Dean was on leave on day of assessment.
4. College building is still under construction. Deficiency remains as it is.
5. Dr. M. Kanheshwari, designated as Medical Superintendent has not been assigned any administrative powers in running of hospital. Dr. Uma Kulshreshtha is the administrative Medical Superintendent but does not possess PG qualification and hence not eligible to hold the post. Deficiency remains as it is.
6. Teaching areas are small. Minor OPDs do not have teaching areas. Deficiency remains as it is.
7. Wards: 90 beds of General Medicine are distributed in 2 wards with a single nursing station. 60 beds of Paediatrics are located in a single ward which is not permissible. Distance between 2 beds is < 1.5 m. Demonstration rooms are inadequate. No Demonstration rooms are available with Paediatrics, Psychiatry and Skin & VD. Deficiency remains as it is.
8. There was NIL Normal delivery & NIL Caesarean section on day of assessment
9. Speech therapy is not available. Deficiency remains as it is.
10. Central Library: Post of Librarian is still vacant. It is air-conditioned in part.

11. Departments of Pathology, Pharmacology & Forensic Medicine are partly functional in college building as construction work is in progress.
12. RHTC: Cold chain equipment is not available. Survey/MCH/Immunization/FW registers are not available. Deficiency remains as it is.
13. UHTC is on 3rd floor of ESIC hospital which is not as per norms. Deficiency remains as it is.
14. Students' Hostels are partly completed.
15. Office of Medical Superintendent is inadequate. Deficiency remains as it is.
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 3rd batch (100 seats) of ESIC Medical College, Chennai, Tamilnadu under The Tamilnadu Dr. M.G.R Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

38. **Recognition/approval of Malabar Medical College & Research Centre, Calicut, Kerala for the award of MBBS degree (150 seats) granted by the Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act.**

Read: the matter with regard to recognition/approval of Malabar Medical College & Research Centre, Calicut, Kerala for the award of MBBS degree (150 seats) granted by the Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act.

The Executive Committee of the Council considered the Council Assessors report (28th & 29th April, 2015) and decided to recommend to the Central Government for recognition/approval of Malabar Medical College & Research Centre, Calicut, Kerala for the award of MBBS degree (150 seats) granted by the Kerala University of Health Sciences, Thrissur 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 the permission for

admission of 6th batch of 150 MBBS students at Malabar Medical College & Research Centre, Calicut, Kerala for the academic year 2015-2016.

39. Establishment of new medical college at Saharanpur, Uttar Pradesh by Government of Uttar Pradesh with an annual intake of 100 students under Ch. Charan Singh University, 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 Saharanpur, Uttar Pradesh by Government of Uttar Pradesh with an annual intake of 100 students under Ch. Charan Singh University, 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 (27th April 2015) alongwith previous assessment report (21st & 22nd January, 2015) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Saharanpur, Uttar Pradesh by Government of Uttar Pradesh under Ch. Charan Singh University, Meerut with an annual intake of 100 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

40. Recognition/Approval of Bundelkhand Medical College, Sagar, Madhya Pradesh for the award of MBBS degree(100 seats) granted by Dr. Hari Singh Gaur University, Sagar u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/Approval of Bundelkhand Medical College, Sagar, Madhya Pradesh for the award of MBBS degree(100 seats) granted by Dr. Hari Singh Gaur University, Sagar u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (27th April, 2015) along with the previous compliance verification assessment report (2nd March, 2015) and letter dated 09/05/2015 from the Dean, Bundelkhand Medical College, Sagar furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report and noted the following:-

1. Deficiency of faculty is 39.82 % as detailed in the report.
2. Shortage of Residents is 75.72 % as detailed in the report.
3. Bed occupancy is 44.2 % as detailed in report.
4. Only 48 Paramedical staff are available against requirement of 182.
5. C.T. scan is outsourced to a third party outside the hospital campus.
6. Special investigations like Ba, IVP are still not performed. Deficiency remains as it is.
7. Casualty: Equipment is inadequate. Casualty Medical officer is not posted.
8. O.T.: Only 4 Major O.T.s are functional against requirement of 7. Out of these 4, 2 are earmarked for O.G. and the rest 2 are shared by all other departments.
9. ICUs: ICCU, ICU, PICU/NICU are not available.
10. There is only 1 static X-ray machine (which too is nonfunctional) against requirement of 5. Hence there is no X-ray machine in working order on day of assessment. AERB approval is not available. Log book for machines are not available. Only 2 USG machines are available against requirement of 3. Deficiency remains as it is.
11. CSSD is not available. Deficiency remains as it is.
12. RHTC: Hostel & Mess are not available. Deficiency remains as it is.
13. There were only 7 major operations on day of assessment.

14. Histopathology & Cytopathology workload is NIL.
15. Auditorium is still under construction. Deficiency remains as it is.
16. MRD: It is manual. ICD X classification of diseases is not followed. Deficiency remains as it is.
17. 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 Government not to recognise/approve Bundelkhand Medical College, Sagar, Madhya Pradesh for the award of MBBS degree granted by Dr. Hari Singh Gaur University, Sagar u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

41. Recognition/Approval of Chennai Medical College Hospital & Research Centre, Irungalur, Trichy for the award of MBBS degree (150 seats) granted by the Tamilnadu Dr. M.G.R Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Chennai Medical College Hospital & Research Centre, Irungalur, Trichy for the award of MBBS degree (150 seats) granted by the Tamilnadu Dr. M.G.R Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (30th April, 2015) along with the previous compliance verification assessment report (24th March, 2015) and noted the following:-

1. Shortage of Residents is 21.6% as detailed in the report.
2. Deficiency of faculty is 7.7% as detailed in the report.
3. Most of patients were admitted since past 1 week before day of assessment.
4. Two out of 4 patients admitted in PICU suffered from minor ailments.
5. Casualty attendance was 22 on day of assessment.
6. Data of Laboratory investigations appear to be inflated with reference to actual patients & their diagnosis.
7. 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 Government not to recognise/approve Chennai Medical College Hospital & Research Centre, Irungalur, Trichy for the award of MBBS degree granted by the Tamilnadu Dr. M.G.R Medical University, Chennai u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

42. Recognition/ approval of Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree 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 Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (30th April, 2015) along with the previous compliance verification assessment report (24th March, 2015) and noted the following:-

1. Deficiency of faculty is 50.68 % as detailed in report.
2. No faculty is available in the departments of Radiodiagnosis, Forensic Medicine and Tb & Chest departments.
3. Shortage of Residents is 82.48 % as detailed in report.
4. Bed occupancy in general wards is 15.71 % on day of assessment which is grossly inadequate.
5. ICUs: Occupancy was 30 % on day of assessment.
6. Histopathology workload was only 2 & Cytopathology workload was only 7 on day of assessment. Deficiency remains as it is.
7. OPD attendance was 1,036 against requirement of 1,200 on day of assessment.
8. Casualty attendance was only 14 on day of assessment.
9. There was NIL Major & 2 Minor operations on day of assessment. Only 1 LSCS was performed on day of assessment.
10. There was NIL Normal delivery & 1 Caesarean section on day of assessment.
11. In Radiodiagnosis department, in spite of non-availability of faculty, investigations like USG, CT scan are reported done. Deficiency remains as it is. Radiological investigations workload is inadequate.
12. Laboratory workload is less. Data provided are inflated. Deficiency remains as it is.
13. Wards: Most of the wards were empty & no Nurses were posted in these wards.
14. Other deficiencies as pointed out in the assessment report.

The Executive Committee noted that in its meeting 27.03.2015 in view of deficiencies it was decided as under:-

"The Executive Committee of the Council observed that upon complaint/information an assessment was carried out on 24th March 2015. The members of the committee considered the compliance verification assessment report (24th March, 2015) alongwith previous compliance assessment reports dated 27th August, 2014 and 19th November, 2014 and noted the following:-

1. *Deficiency of faculty is 47.94 % as detailed in report.*
2. *No faculty is available in Radiodiagnosis, Forensic Medicine and Tb & Chest departments.*
3. *Shortage of residents is 80.98 % as detailed in report.*
4. *Bed occupancy is 22 % against requirement of 75 % as per regulations on day of assessment which is grossly inadequate. In some wards, although patients are present, their case papers were not available.*
5. *Histopathological (3-6/day), Cytopathological (5-7/day) & FNAC (2-5/day) workload is inadequate.*
6. *OPD on day of assessment is 650 against requirement of 1,200 as per Regulations.*
7. *Casualty attendance is only 19 on day of assessment which is inadequate.*
8. *There were only 10 major & 4 minor Surgical operations on day of assessment for the whole hospital which is inadequate. There is no Endoscopy theater. One Minor O.T. is deficient.*

9. In Radiodiagnosis, in spite of Nonavailability of faculty, investigations like USG, CT scan are reported done and list provided which indicates inflated data are provided.
10. Laboratory investigations: Inflated data are provided.
11. Wards: There is no Nursing station, no crash cart, no emergency drugs tray in several wards. In some wards, there are no facilities at all; only big rooms with beds are provided. In some wards, Nurses were not present.
12. Other deficiencies as pointed out in the assessment report.

The Executive Committee of the Council also perused the opinion of Ld. Addl. Solicitor General of India, 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 with Mr. Gaurav Sharma and Mr. T. Singhdev, Advocates 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 the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melmaruvathur A for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Executive Committee also decided to withdraw the recommendation to permit the institute to admit fresh batch of students for Academic Year 2015-2016 and also to request Central Government to annul / withdraw the permission in case granted to the college to admit the students for 2015-16 batch."

The above decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 30/03/2015 and copy to the college authorities with the request to submit the compliance report. Thereafter the college authorities had submitted their compliance vide letter dated 28.04.2015 to the Council.

The Committee further noted the letter dated 27/03/2015 of the Central Govt. addressed to the college authorities and copy to the concerned authorities including MCI conveying the approval of the Central Government for renewal of permission for admission of 6th batch of MBBS students (150 seats) for the academic year 2015-2016 at Melmaruvathur Adhiprasakthi Institute of

Medical Sciences & Research, Melmaruvathur under The Tamilnadu Dr. MGR Medical University, Chennai.

The Committee also noted that the Council Office vide its letter dated 07/05/2015 to the Central Government had once again requested to withdraw the letter NO.U-12012/79/2015-ME(P-II), dated 27/03/2015 conveying the approval of the Central Government for renewal of permission for admission of 6th batch of MBBS students (150 seats) for the academic year 2015-2016 at Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melmaruvathur under The Tamilnadu Dr. MGR Medical University, Chennai.

The Executive Committee further noted the letter dated 8th May, 2015 of the Central Govt. stating therein as under:-

"I am directed to refer to your letter No.MCI-34(41)(RG-13)/2014-Med./170625, dated 30.03.2015 on the above subject and to say that the Central Government has already accepted the earlier recommendation dated 22.12.2014 of MCI and issued renewal permission letter vide letter dated 27.03.2015.

The matter has been examined is examined in the Ministry in light of latest recommendation of MCI vide letter dated 30.03.2015 whereby it has recommended to withdraw the renewal permission of 2015-2016 and also asked the college to submit compliance for consideration of their recognition matter. In this regard the opinion of LD. ASG has also been obtained by the Council.

Before processing the matter further, the MCI is requested to sent clarification immediately on the following points:-

- a) *MCI vide letter dated 30.03.2015 has recommended to withdraw the renewal permission for 2015-2016 batch. It has asked the college to submit compliance for consideration of their recognition matter.*
- b) *The opinion of Ld. ASG is also added. It is held that since 8(3)(1)(b) of Establishment of Medical College Regulation,1999 is invoked, renewal permission for that year may not be considered."*

In view of above and the deficiencies observed in assessment report dated 24.03.2015 and 30.04.2015 , the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter. The Committee also decided to reiterate to recommend to the Central Govt. to withdraw/annul the letter of permission to admit the batch of 100 students for the academic year 2015-16 issued vide its letter dated 27.03.2015.

43. Govt. Medical College, Patiala – Renewal of Permission for admission of 2nd 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 Govt. Medical College, Patiala – Renewal of Permission for admission of 2nd 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 (29.04.2015) along with assessment report (17th & 18th November, 2014) and an undertaking of the Secretary, Medical

Education and Research, Govt. of Punjab, dated 13.05.2015 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 150-200 of Govt. Medical College, Patiala under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

44. Govt. Medical College, Akola – 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. Medical College, Akola – 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 (30.04.2015) along with assessment report (5th & 6th January, 2015) and representation dated 8/05/2015 from the Dean, Govt. Medical College, Akola furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report and noted the following:-

1. Shortage of Residents is 48.88 % as detailed in the report.
2. Only 3 mobile X-ray machines are functional against requirement of 6. Deficiency remains as it is.
3. Only 2 static X-ray machines are functional against requirement of 5. Deficiency remains as it is.
4. Central Library: Available area is 2,000 sq.m. against requirement of 2,400 sq.m. Deficiency remains as it is.
5. Special investigations like Ba, IVP were not performed on day of assessment.
6. OPD attendance is 987.
7. Out of 11 Major operations, 6 were in Ophthalmology leaving total only 5 operations amongst all other departments.
8. Cleanliness is not good in hospital premises.
9. 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 of MBBS students against the increased intake i.e. from 100-150 of Govt. Medical College, Akola under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

45. MGM Medical College, Jamshedpur – 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 MGM Medical College, Jamshedpur – 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 (30.04.2015) along with assessment report (29th & 30th December, 2014) and noted the following:-

1. There is no new appointment of faculty since last inspection. Deficiency of faculty is 45.37 % as detailed in report.
2. There is no new appointment of Resident doctor since last inspection. Deficiency of faculty is 68.62 % as detailed in report.
3. OPD attendance is only 445.
4. Bed occupancy is 61.4 % on day of assessment.

5. Radiological investigation workload is inadequate – only 49 plain X-rays, NIL Ba, IVP, NIL CT scan.
6. Laboratory investigation workload is inadequate.
7. Histopathology & Cytopathology workload is NIL.
8. There is no department of Tb & Chest and Psychiatry.
9. O.T.: Preoperative & Postoperative rooms are not available. Deficiency remains as it is.
10. Labour room: Septic room & Eclampsia room are not available.
11. Only 1 static X-ray machine is available against requirement of 4. Deficiency remains as it is.
12. Only 2 mobile X-ray machines are available against requirement of 4. Deficiency remains as it is.
13. Only 1 USG is available against requirement of 3. Deficiency remains as it is.
14. OPD: Examination rooms in all departments are 1-2 only against requirement of 4. Minor O.T. is not available. No dark room in Ophthalmology department. Plaster cutting room is not available. Deficiency remains as it is.
15. Audiometry & Speech therapy are not available.
16. Wards: Demonstration room is available only for General Medicine.
17. MRD: It is manual. ICD X classification of diseases is not followed for indexing. Deficiency remains as it is.
18. Casualty: Monitoring & Resuscitation equipment are inadequate. Disaster Trolley is not available. Suction apparatus & Oxygen supply are not available. Deficiency remains as it is.
19. CSSD: Receiving & Distribution points are not separate. ETO Sterilizer is not available. Deficiency remains as it is.
20. Nursing staff: Only 55 Nurses are available against requirement of 175. Deficiency remains as it is.
21. Paramedical staff: Only 11 Paramedical staff are available against requirement of 179. Deficiency remains as it is.
22. Pathology department: Only 1 Students' laboratory is available against requirement of 2.
23. Microbiology department: Demonstration room & Practical laboratory are not yet furnished.
24. HOD of Anaesthesia also holding post of Medical Superintendent and also charge of HOD of Radiodiagnosis which is contrary to Regulations.
25. Blood bank is run by a Senior Resident.
26. There is no senior faculty in Pharmacology.
27. Examination halls are not yet furnished.
28. Lecture Theater: There is no lecture theater in the hospital. There is no lecture theater of capacity 250. E class facility is not available. Deficiency remains as it is.
29. RHTC: Hostel is not yet functional.
30. Monthly death audit meeting is not conducted regularly.
31. 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 of MBBS students against the increased intake i.e. from 50-100 of MGM Medical College, Jamshedpur under Kolhan University, Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

46. RNT Medical College, Udaipur – 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 RNT Medical College, Udaipur – 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 (29.04.2015) along with assessment report (17th & 18th November, 2014) and representation dated 10/5/2015 undertaking received from the Principal Secretary, Govt. of Rajasthan Department of Medical Education furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report and noted the following:-

1. Deficiency of faculty is 33.69 % as detailed in the report.
2. Shortage of Residents is 30.01 % as detailed in the report.
3. Casualty: Beds are not equipped with IV stand. There are no monitors with beds. A corner is used as Nursing station which is not as per norms. Deficiency remains as it is.
4. O.T.: There are 5 tables in General Surgery O.T. & 6 tables in O.G. O.T. which is not as per norms. Deficiency remains as it is.
5. CSSD: Receiving & Distribution points are not separate. Deficiency remains as it is.
6. OPD: X-ray view box is not available in some OPDs. Teaching areas are not available. Dressing room for male/females are not separate. Deficiency remains as it is.
7. Examination Hall cum Auditorium: Capacity of Examination hall is 200. Hall designated as Auditorium (NLT) is a lecture theater & not an auditorium. Deficiency remains as it is.
8. Lecture Theaters: Capacity of 2 Lecture Theaters is 150 which is inadequate. Only 1 lecture theater has E class facility. Deficiency remains as it is. (P. 3)
9. Central Library: Available area is 1,035 sq.m. against requirement of 2,400 sq.m. Capacity of Reading room (Outside) & Reading room (Inside) is 130 & 50 respectively against requirement of 150 each. Capacity of Staff reading room is 30 against requirement of 50. Only 47 journals are available against requirement of 100. Librarian & Dy. Librarian are not available. Deficiency remains as it is.
10. Interns' Hostel: It is not available. Deficiency remains as it is.
11. Students' Hostel: Net connectivity is not available. Deficiency remains as it is.
12. MRD: It is manual Staff is inadequate. Deficiency remains as it is.
13. Demonstration rooms of Biochemistry department are shared with Pathology & Pharmacology departments. Their capacity is 50 which is less. Deficiency remains as it is.
14. Pathology department: Catalogues are not available. Deficiency remains as it is.
15. Pharmacology department: Experimental Pharmacology laboratory is non-functional. Deficiency remains as it is.
16. RHTC: Specialists' visits are not organized. It was claimed that O.G. faculty visits every Saturday but no papers were shown. Cold chain equipment is non-functional. Survey/Immunization/MCH/FW registers are not available. Deficiency remains as it is.
17. UHC: No papers are available to document visit of specialists.
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 3rd Batch of MBBS students against the increased intake i.e. from 100-150 of RNT Medical College, Udaipur under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

47. Chhattisgarh Institute of Medical Sciences, Bilaspur – 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 Chhattisgarh Institute of Medical Sciences, Bilaspur – 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 (29.04.2015) along with assessment report (19th & 20th December, 2014) and representation dated 10/05/2015 from the Dean, Chhattisgarh Institute of Medical Sciences, Bilaspur furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Govt. of Chhattisgarh, Health & FW. dated 13.05.2015 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 Chhattisgarh Institute of Medical Sciences, Bilaspur under Ayush and Health University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

48. Dr. Shankarrao Chavan Govt. Medical College, Nanded – 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 Dr. Shankarrao Chavan Govt. Medical College, Nanded – 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 considered the compliance verification assessment report (30.04.2015) 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 in respect of Dr. Shankarrao Chavan Govt. Medical College, Nanded under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

49. Rangaraya Medical College, Kakinada – 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 Rangaraya Medical College, Kakinada – 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 considered the compliance verification assessment report (27.04.2015) along with assessment report (13th & 14th November, 2014), representation dated 11/05/2015 from the Director of Medical Education, Andhra Pradesh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Special Chief Secretary, Deptt. of Medical & Health, Govt. of Andhra Pradesh, dated 13.05.2015 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 150-200 in respect of Rangaraya Medical College, Kakinada under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

50. Rajashree Chatrapati Shahu Maharaj Govt. Medical College, Kolhapur – 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 Rajashree Chatrapati Shahu Maharaj Govt. Medical College, Kolhapur – 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 (30.04.2015) along with assessment report (6th & 7th January, 2015) and noted the following:-

1. Deficiency of faculty is 31.9 % as detailed in report.
2. Shortage of Residents is 48.5 % as detailed in the report.
3. OPD attendance is 897 which is inadequate.
4. No CT Scan is performed. Special investigations like Ba, IVP are not performed.
5. Wards: Separate wards for Psychiatry and Skin & VD are not available. Deficiency remains as it is.
6. OPD: Registration counters are not computerized. IPD counter is not separate. Teaching areas are under renovation. IN O.G. 3 examination rooms are available out of which 1 is used as Adolescent clinic & another as Infertility clinic.
7. Speech Therapy is not available.
8. Casualty: Ventilator, Disaster Trolley, Crash cart are not available. Deficiency remains as it is.
9. Labour Room: Dark room is not available for Eclampsia patient. Deficiency remains as it is.
10. AERB approval is not available. Deficiency remains as it is.
11. MRD: It is manual. ICD X classification is not followed for indexing of diseases. Statistician is not available. Deficiency remains as it is.
12. Central Library: Available area is 1,609 sq.m. against requirement of 2,400 sq.m. Librarian is not available. Only 10 Internet nodes are available. Staff reading room has capacity of only 7.
13. Nurses' Hostel: It is not available.
14. Intercom is not available.
15. Anatomy department: Only 96 lockers are available against requirement of 150. Deficiency remains as it is.
16. Biochemistry department: Capacity of laboratory is short by 15. Deficiency remains as it is.
17. Pharmacology department: Demonstration rooms are not furnished.
18. Forensic Medicine department: Demonstration rooms are smaller than required. Deficiency remains as it is.
19. 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 of MBBS students against the increased intake i.e. from 100-150 of Rajashree Chatrapati Shahu Maharaj Govt. Medical College, Kolhapur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

51. Govt. Medical College, Miraj – 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. Medical College, Miraj – 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 (30.04.2015) along with assessment report (9th & 10th January, 2015) and representation dated 08/05/2015 from the Dean, Govt. Medical College, Miraj furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report 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 Govt. Medical College, Miraj under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

52. Indira Gandhi Govt. Medical College, Nagpur – 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 Indira Gandhi Govt. Medical College, Nagpur – 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 (30.04.2015) along with assessment report (17th & 18th December, 2014) and representation dated 8/05/2015 from the Dean, Indira Gandhi Govt. Medical College, Nagpur furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report 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 Indira Gandhi Govt. Medical College, Nagpur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

53. Moti Lal Nehru Medical College, Allahabad – 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 Moti Lal Nehru Medical College, Allahabad – 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 (29.04.2015) along with assessment report (22nd & 23rd January, 2015), representation dated 06/11-05-2015 from the Chief Secretary, Govt. of Uttar Pradesh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 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 Moti Lal Nehru Medical College, Allahabad under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

54. Lala Lajpat Rai Memorial Medical College, Meerut – 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 Lala Lajpat Rai Memorial Medical College, Meerut – 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 (30.04.2015) along with assessment report (28th & 29th January, 2015) and representation dated 11/5/2015 received from the Chief Secretary, Govt. of Uttar Pradesh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 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 Lala Lajpat Rai Memorial Medical College, Meerut under Ch. Charan Singh University, Meerut u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

55. MGM Medical College, Indore – 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 MGM Medical College, Indore – 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 considered the compliance verification assessment report (30.04.2015) along with assessment report (22nd & 23rd January, 2015) and representation dated 10/05/2015 from the Dean, MGM Medical College, Indore furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Madhya Pradesh dated 13.05.2015 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 140-150 of MGM Medical College, Indore under Devi Ahilya Vishwa Vidyalyaya, Indore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

56. Shri Vasantrao Naik Govt. Medical College, Yavatmal – 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 Shri Vasantrao Naik Govt. Medical College, Yavatmal – 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 considered the compliance verification assessment report (30.04.2015) along with assessment report (8th & 9th January, 2015) and representation dated nil from the Dean, Shri V.N. Govt. Medical College, Yavatmal and noted the following:-

1. Deficiency of faculty is 35.97 % as detailed in the report.
2. Shortage of Residents is 38.62 % as detailed in the report.
3. OPD attendance: Daily average is 737 against requirement of 1,000.
4. Only 3 mobile X-ray machines are available against requirement of 6. Deficiency remains as it is.
5. Only 3 static machines are available against requirement of 5. Deficiency remains as it is.
6. CSSD is not available. Deficiency remains as it is.
7. Lecture Theater: No lecture theater has capacity of 180 as required. E class facility is not available. Deficiency remains as it is.
8. Central Library: Only 8 Internet nodes are available which is inadequate. Deficiency remains as it is.
9. Speech Therapy is not available. Deficiency remains as it is.
10. MRD: ICD X classification of diseases is not used for indexing. Medical records Officer is not available.
11. Anatomy department: Only 10 Dissection tables are available which is inadequate. Deficiency remains as it is.
12. RHTC: Distance is more than 30 kms. Which is not as per Regulations. Deficiency remains as it is.
13. UHC: It is an old women's hospital. Deficiency remains as it is.
14. Blood component separation facility is not available.
15. Nursing Superintendent, Dy. Nursing Superintendent are not available.
16. Other deficiencies as pointed out in the inspection report.

The Executive Committee of the Council further noted the Order of the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur dated 06.05.2015 in WP No. 3427 of 2000 and decided to forward the matter to the Central Government, Ministry of Health & F.W., for consideration.

57. Maharani Laxmi Bai Medical College, Jhansi – 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 Maharani Laxmi Bai Medical College, Jhansi – 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 (30.04.2015) along with assessment report (16th & 17th December, 2014), representation dated 11/5/2015 received from the Chief Secretary, Govt. of Uttar Pradesh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Medical Education & Training, Govt. of U.P., dated 13.05.2015 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 Maharani Laxmi Medical College, Jhansi under Bundelkhand University, Jhansi u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

58. Gajra Raja Medical College, Gwalior – 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 Gajra Raja Medical College, Gwalior – 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 considered the compliance verification assessment report (30.04.2015), assessment report (4th & 5th

February, 2015) alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Madhya Pradesh dated 13.05.2015 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 140-150 u/s 10A of the IMC Act, 1956 in respect of Gajra Raja Medical College, Gwalior under Jiwaji University, Gwalior for the academic year 2015-16.

59. Increase of MBBS seats from 155 to 250 at Govt. Madurai Medical College, Madurai for the academic session 2015-16.

Read: the matter with regard to increase of MBBS seats from 155 to 250 at Govt. Madurai Medical College, Madurai for the academic session 2015-16.

The Executive Committee of the Council considered the letter dated 29.04.2015 of the Dean, Madurai Medical College, Madurai wherein he has stated as under:-

".....we are yet to receive the sanction of funds from the Government of India for the improvement of Madurai Medical College, Madurai.

The provision of faculty, equipments and infrastructure requirements will be completed only after the sanction of the funds from the Government of India.

The deficiencies noted in MCI inspection held on 9th & 10th January, 2015 needs time and money for rectification.

Hence we pray that the proposal of increase in seats need not be considered for the academic year 2015-16 in respect of Madurai Medical College, Madurai."

In view of above, the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of scheme for increase of seats from 155 to 250 u/s 10A of the IMC Act, 1956 at Govt. Madurai Medical College, Madurai under the Tamilnadu Dr. MGR Medical University, Chennai for 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.

60. Increase of MBBS seats from 100 to 150 at Government Kanyakumari Medical College, Asaripallam, Kanyakumari for the academic session 2015-16.

Read: the matter with regard to increase of MBBS seats from 100 to 150 at Government Kanyakumari Medical College, Asaripallam, Kanyakumari for the academic session 2015-16.

The Executive Committee of the Council considered the letter dated 22.04.2015 of the Dean, Kanyakumari Govt. Medical College, Asaripallam, addressed to the Central Govt. and copy to this Council wherein he has stated as under:-

".....I already informed that we need some more time of compiling with the deficiencies pointed out by the Medical Council of India (Lr. No. MCI-37(1)(I-19)(UG)/2014-Med/01107 dated 31.01.2015). and necessary proposals are being sent to the Govt. of Tamil Nadu for compilation regarding increase of seats from 100 to 150, and we would like to continue with annual intake of 100 students, as per the reference 2nd cited.

In this connection, the under Secretary to the Govt. of India was contacted over phone on 09.04.2015 and I requested for some more time for compilation for increase of MBBS seats from 100 to 150 and would like to continue with annual intake of 100 students. The under Secretary had accepted the statement. I further wish to inform that, necessary proposal of allocation of funds from the "Centrally Sponsored Scheme" are being sent to the Govt. allocation of funds from the government is being awaited. Hence, it would take some more time for compiling with the deficiencies pointed out by the MCI. In this juncture, I once again wish to inform that we would like to continue with annual intake of 100 students at present. "

In view of above, the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of scheme for increase of seats from 100 to 150 u/s 10A of the IMC Act, 1956 at Government Kanyakumari Medical College, Asaripallam, Kanyakumari under the Tamilnadu Dr. MGR Medical University, Chennai for 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.

61. Navodaya Medical College, Raichur – 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 Navodaya Medical College, Raichur – 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 observed that at its meeting dt. 27/03/2015, the Executive Committee had decided as under:

"The Executive Committee of the Council observed that at its meeting dated 10/02/2015, it was decided as under:

"The Executive Committee of the Council considered the Council Assessors reports (3rd & 4th December 2014) & (20th & 21st January, 2015) and noted the following:-

1. Shortage of Residents is 27.83 % as detailed in report.
2. Lecture Theaters: Facility for E class is not available.
3. ICUs: There were only 2 patients in SICU on day of assessment.
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 4th Batch of MBBS students against the increased intake i.e. from 100-150 of Navodaya Medical College, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 and further decided to apply clauses 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 Academic year (2016-17) 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 above decision was communicated to the Central Govt. and the institute vide Council letter dated 12.02.2015. In response to above, the Principal, Navodaya Medical College, Raichur vide letter dated 09.03.2015 has submitted the detailed compliance report along with the necessary documents.

The Executive Committee of the Council 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 with Mr. Gaurav Sharma and Mr. T. Singhdev, Advocates 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) & 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 of recommending to the Central Govt. not to renew the permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 of Navodaya Medical College, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore 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 Academic year (2016-17) 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 Committee further observed that the Central Govt. vide its communication dt. 17.04.2015 has forwarded compliance submitted by the college authority and 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 immediately.

In view of above, the Executive Committee of the Council decided to verify the compliance by way of assessment only with regard to application of section 8(3)(1)(c).

62. Increase of MBBS seats from 150 to 250 at Govt. Coimbatore Medical College, Coimbatore for the academic session 2015-16.

Read: the matter with regard to increase of MBBS seats from 150 to 250 at Govt. Coimbatore Medical College, Coimbatore for the academic session 2015-16.

The Executive Committee of the Council observed that the Dean, Coimbatore Medical College, Coimbatore vide his email dated 05.05.2015 has forwarded a copy of his letter dated 17.04.2015 re-submitting therewith a copy of detailed point wise compliance report for continuation of recognition for 150 MBBS seats only and college authorities have not submitted the compliance report for increase of seats from 150 to 250.

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 increase of seats in MBBS course from 150 to 250 at Govt. Coimbatore Medical College, Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

63. Admission of 1st year MBBS student at Indian Institute of Medical Sciences and Research, Jalna, Maharashtra for the Academic Year 2014-15.

Read: the matter with regard to admission of 1st year MBBS student at Indian Institute of Medical Sciences and Research, Jalna, Maharashtra for the Academic Year 2014-15.

The Executive Committee of the Council noted the letter dated 21/02/2015 received from the Director Medical Education & Research, Mumbai requesting to restore the admission of the candidate, the legal opinion of the Law Officer and 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 noted that action of both the Institute and DMER are contrary to the orders of Hon'ble Supreme Court. This substitution has never been brought to light before, even when the Institute wrote to the Council on 13/01/2015 that the candidate Miss Shaikh R.A. has been discharged.

The Committee further noted that even if that were the case, the substitution of name should have been done by DMER and not by the Institute as the Institute had no authority to substitute any name from the list supplied by DMER as per Hon'ble Supreme Court order.

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision to discharge the student Miss R.A.Shaikh. It was also observed that vide the letter dated 13/01/2015, the Dean has informed that she has already been discharged. The affiliating University also be informed.

OFFICE NOTE: The Committee directed the office to reconfirm from the Institute that the candidate Miss Shaikh R. A. has not been readmitted after discharge on 13/01/2015.

64. Non-Compliance with regard to discharge notice of MBBS course for the Academic Year 2013-14 and 2014-15.

Read: the matter with regard to non-compliance with regard to discharge notice of MBBS course for the Academic Year 2013-14 and 2014-15.

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

65. Admission of 1st year MBBS students at MKCG Medical College, Brahampur in the academic year 2013-14.

Read: the matter with regard to admission of 1st year MBBS students at MKCG Medical College, Brahampur in the academic year 2013-14.

The Executive Committee of the Council considered the letter of the Principal of the College dated 13/03/2015 and noted that as the candidate Ms. Madhusmita Pradhan falls in PH category for which cutoff marks are 45 % as per notification dt. 15/02/2012, she is eligible. Hence no further action is required in the matter.

66. 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 considered the assessment report (28th April, 2015) along with the compliance verification assessment report (17th April, 2015) and previous assessment report (18th & 19th Feb., 2015) and noted the following:-

1. Deficiency of faculty is 29 % as detailed in the report.
2. Shortage of Residents is 54 % as detailed in the report.
3. OPD attendance was found to be less than shown by the institute. At 12:15 p.m., the number registered was 464 when assessors took the round. Total OPD is shown by the institute as 1,243 at closing time of 4:30 p.m. This shows sudden influx of patients after assessors went to OPD which is unusual.
4. On inspection, it was found that there were only 2 patients in Casualty.
5. On physical verification, bed occupancy was found to be 29 % (i.e. 203 out of 700 beds) as detailed in the report.
6. The O.T. list given by Nursing staff showed only 4 operations on day of assessment. O.T. list of previous day (i.e. 27/04/2015) showed that minor surgeries are being shown as major operations.
7. There was no patient in RICU and only 1 patient in PICU/NICU on day of assessment.
8. Radiology registers had plenty of blank serial numbers allotted in between regular patient names.
9. Some wards were found to be locked as there were no patients in them.
10. Hospital lecture theater was locked and could not be opened.
11. Equipment in Pathology & Microbiology laboratories were having lots of extra dust on them indicating non-functionality.
12. Mammalian laboratory in Physiology department was not having any equipment.
13. Planning permission is not yet available. Contention of the institute that the Ministry of Housing & Urban Development is the highest authority which has accepted recommendations of Member Secretary, CMDA cannot be considered as the Government order is a conditional one which depends upon fulfillment of NOCs from various departments. Even the revised plan rectifying drafting errors is under preparation. Clearance from Competent Authority regarding holding of excess land is not yet available. In this view of matter, it cannot be said that planning permission is obtained by the institute and 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 not to recognize/approve 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 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

67. **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 considered the assessment report (29th April, 15) along with the compliance verification assessment report (16th April, 2015) and previous assessment report (19th & 20th December, 2014) and noted the following:-

1. Deficiency of faculty is 58.33 % as detailed in the report.
2. Shortage of Residents is 77 % as detailed in the report.
3. Bed occupancy is 32.33 % as detailed in the report.
4. 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 Jupudi, Krishna Dist., Andhra Pradesh by Nimra Educational Society, Hyderabad under Dr. N.T.R University of Health Sciences, Vijayawada, Andhra Pradesh to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

68. **Establishment of a new medical college at Dehradun, Uttarakhand by Dr. Jagat Narain Subharti Charitable Trust, Dehradun, Uttarakhand with an annual intake of 150 MBBS students under Hemwati Nandan Bahuguna Uttarakhand Medical Education University, Dehradun 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 Dehradun, Uttarakhand by Dr. Jagat Narain Subharti Charitable Trust, Dehradun, Uttarakhand with an annual intake of 150 MBBS students under Hemwati Nandan Bahuguna Uttarakhand Medical Education University, Dehradun u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council noted the letter dated 30/4/2015 from the appointed team of Council Assessors stating therein as under:-

“... we reached the institute at 09.50 a.m. on 30th April, 2015. The letter signed by all assessors mentioning the plan of assessment was given to the Dean.

“At 10.15 a.m. the Dean and Superintendent (also a trustee), refused the assessment, mentioning that the Coordinator had carried out the assessment of Subharti Medical College, Meerut few weeks back and they had raised objections for that assessment with Central Government & MCI. They also said that they have objection of assessment being carried out by a team headed by Dr. Sanjay Bijwe (Coordinator). Immediately, decision regarding refusal for assessment by the institute was informed telephonically to MCI – Dr. Barik.

Contention of the institute that as one of the assessors was also the co-ordinator of the team of assessors which conducted assessment for recognition of the sister institute – i.e. Subharti Institute at Meerut and against whom complaint has been made by the institute and therefore the present assessment would not be unbiased and give justice cannot be accepted.

It was also observed that the Council has received several complaints from villagers (Shri Man Singh & others) alleging that the land on which the medical college campus is located is their land. A copy of record has also been

attached with these complaints. Legal opinion was sought from the Law Officer of the Council which is reproduced as under:-

"The Council office has received a collective complaint on 06.05.2015 by Sh. Krishan Lal, Sh. Harish Chandra Elawadi, Sh. Ranvir Singh Malik, Sh Ram Deen and Sh. Mangal Singh. In this complaint, they have alleged that during the course of inspection, the applicant trust has played fraud by showing their land as the land of the applicant Trust. Furthermore, the Council office has also received individual complaints dated 05.05.2015 of Sh. Ram Singh, Sh. Ranvir Singh Malik, Sh. Harish Chandra Elawadi and Sh. Maan Singh in which it is alleged that land in respect of Survey No. 369, Village Kotda Santaur, Tehsil Vikas Nagar, Janpath, Dehradun, Uttarakhand belongs to them and it was shown to the MCI assessor during MCI assessment. In all these individual complaints photocopy of extracts of land Revenue Records (Khatuani) have been annexed. There is reference to the same Khasra No. in the certificate dated 16.12.2014 issued by the Tehsildar, Tehsil Vikas Nagar, District Dehradun and therein the land is shown to be registered in the name of one Sri Sri 1008 Narayan Swami Charitable Trust. The applicant Trust has earlier claimed that it is the successor to the Sri Sri 1008 Narayan Swami Charitable Trust and as such owns all the land/properties owned by it. It may also be noted that there is also a Suit pending in the District Court of Dehradun between Sri Sri 1008 Narayan Swami Charitable Trust and the applicant Dr. Jagat Narayan Subharti Charitable Trust.

Thus, on the basis of complaints made by Sh. Ram Singh, Sh. Ranvir Singh Malik, Sh. Harish Chandra Elawadi and Sh. Maan Singh it appears to me that there is prima facie substance in their allegations and as such thereby the land on which the applicant Trust is claiming ownership is not undisputed. In such circumstances, complaints dated 05.05.2015 where allegations has been made by the above-named persons that their land has been shown to be the land of the applicant trust, needs to be taken note of and the application may be, if required disapproved on this ground. Further, it would also be appropriate to forward these complaints to the State Government for an action as deemed appropriate by the State Authorities in the matter.

In view of above, as the assessment was refused by the institute, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Dehradun, Uttarakhand by Dr. Jagat Narain Subharti Charitable Trust, Dehradun, Uttarakhand with an annual intake of 150 MBBS students under Hemwati Nandan Bahuguna Uttarakhand Medical Education University, Dehradun to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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 decided to send the land documents submitted by the college along with the complaints to the appropriate authority in the State Govt. for verification.

- 69. 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 considered the assessment report (28th April, 15), compliance verification assessment report (10th April, 2015), previous assessment report (19th & 20th December, 2014) alongwith representations of the college authorities dated 29/04/2015, 02/05/2015 & 06/05/2015 and noted the following:-

1. Deficiency of faculty is 21.66 % as detailed in the report.
2. Shortage of Residents is 53.33 % as detailed in the report.
3. At 10: 30 a.m., there were hardly 15-20 patients were seen at the registration counter. After the assessors visited OPD, many persons came and registered in OPD.
4. Bed occupancy was 42 % on the day of assessment. Many patients were admitted for trivial reasons and their hospital stay was unnecessarily prolonged.
5. There were only 7 major operations out of which 4 were Cataract operations, leaving only 3 major operations amongst all other surgical branches combined and 4 Minor operations on day of assessment.
6. There was NIL Normal delivery or Caesarean section on day of assessment. The entries in delivery register did not match as per the statements of Junior Residents.
7. Histopathology & Cytopathology registers are forged by adding fake entries of surgeries which did not take place. For the period from 01/04/2015 to 28/04/2015, 231 entries are shown in the register out of which only 48 were True samples as identified by the Professor of pathology of the institute, leaving 183 as forged entries. Similarly, Cytopathology register showed 27 entries during the same period out of which only 2 were genuine. The Professor of Pathology has admitted the same and signed the register.
8. Wards are not as per MSR Regulations. Most of the wards did not have Doctors' duty room, Treatment room, Demonstration room, Store room, Pantry. Some of the wards were rooms with 4 beds which is not as per norms.
9. ICUs: There was NIL patient in ICU. Patients in MICU & SICU were noncritical not warranting admission in ICU.
10. Videography was not provided in spite of repeated requests.
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 for establishment of a new medical college at Marikavalasa, Vishakhapatnam, Andhra Pradesh by Gayatri Vidya Parishad Society, Andhra Pradesh 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 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.

70. **National Institute of Medical Sciences & Research, Jaipur – 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 National Institute of Medical Sciences & Research, Jaipur – 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 assessment report (5th & 6th May, 2015) and noted the following:-

1. No information is provided by the institute regarding conduct of workshops on Medical Education Technology or regarding MEU itself.
2. No information is provided by the institute regarding CME programmes held by the institute.
3. No information is provided by the institute regarding College Council.
4. Infrastructure facilities of the college and hospital could not be assessed as the college authorities verbally refused further continuation of assessment after 6:15 p.m.
5. OPD: Separate registration counters for males/females are not available.
6. Wards: There is only 1 Demonstration room amongst all wards which is grossly inadequate.
7. Clinical Material: No data were provided by the institute, either of previous days or of day of assessment.
8. O.T.: At 11:30 a.m. there were no patients in O.T. even though a list of 20 operations was shown to the assessors. At 01:30 p.m., 2 Major operations in General Surgery, 1 Minor operation in Orthopaedics & 2 Cataract operations were in progress. Ophthalmology O.T. had 2 tables which is not as per norms.
9. Central Clinical; Laboratory is under independent control of HODs of Biochemistry, Pathology & Microbiology which is not as per norms.
10. AERB approval letter was not provided.
11. PNDT approval letter was not provided.
12. Data of Nursing staff & paramedical staff were not provided.
13. Attempts were made by the institute the management to force the assessors by intimidatory tactics to accept Declaration Forms of Residents & some faculty members who had not signed attendance sheet during the stipulated period. When the assessors refused to comply to the demand of college authorities, they verbally informed us that they did not want to continue with assessment any further. They were then requested to give it in writing their demand for calling off further assessment which they refused to do. Due to hostile attitude of management, no further assessment could take place. Hence verification of faculty & Residents could not be completed and deficiency could not be computed.
14. There were large proportions of patients in Paediatrics, Orthopaedics, General Medicine, Skin & VD & General Surgery which were non-genuine, fake patients who did not merit admission. For example, in General Surgery there were very few post-operative patients. In Orthopaedics, a large number of patients were complaining of Joint pain & Backache. As Videography was not provided by the institute in spite of repeated requests, the photographs of such patients were taken on mobile cameras of assessors.
15. Registers in wards show blank space in between admitted patients indicating manipulation of data. Photographs taken on mobile phones have been attached with the report.
16. On conversation with the Residents it was found that some doctors were also working in other organizations and a makeshift arrangement was done to fulfill MCI requirement.
17. It was observed that Dr. Polu Venkata Satyanarayana, Warangal (Co-ordinator), Dr. Asha N. Shah, Ahmedabad and Dr. Pradeep Garg, Rohtak, assessors for this institute for previous assessment in February 2015 vide letter dated 12.02.2015 have stated as under:-

"The assessors team consisting of the undersigned, Dr. Asha N Shah and Dr. Pradeep Garg reached the above mentioned institute at 9.45 a.m. on 12.2.15 and handed over the schedule of inspection to the Principal, NIMS. After accepting the inspection schedule of MCI, the college authorities including the Chairman did not co-operate in getting the inspection done and tried deliberately to delay the proceedings and even pressurized the team to accede to their request. When the team requested them not to interfere in the assessment process then they have a letter requesting not to conduct the inspection as schedule by MCI, the copy of which is enclosed. The team was forced to return back without conducting the assessment."

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 of MBBS students against the increased intake i.e. from 100-150 in respect of National Institute of Medical Sciences & Research, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

71. Increase of seats in MBBS course 60 to 150 at St. John's Medical College, Johnnagar, Sarjapur Road, Bangalore u/s 10A of the IMC Act, 1956.

Read: the matter with regard to increase of seats in MBBS course 60 to 150 at St. John's Medical College, Johnnagar, Sarjapur Road, Bangalore u/s 10A of the IMC Act, 1956.

The Executive Committee of the Council observed that at its meeting held on 20.11.2014, it was decided as under:-

"The Executive Committee of the Council observed that the Essentiality Certificate issued by the State Government of Karnataka is deficient and not as per the prescribed format in as much as it is a conditional certificate as under:

"Issuance of Essentiality Certificate and Feasibility Certificate subject to strictly adopt and adhere to the State policy on admission of students and charging of fee to medical colleges stipulated from time to time.

The issue of this essentiality and Feasibility Certificate is subject to decision of W.P. No. 40331/2014 W.P. No. 40777-40865/2014 of the Hon'ble Court of Karnataka."

It was also observed by the Committee that year-wise Time Bound is not enclosed with the application.

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 increase of seats in MBBS course from 60 to 150 at St. John's Medical College, Johnnagar, Sarjapur Road, Bangalore as the Qualifying criterion 3.2 of Opening of a New or Higher Course of Study and Increase of Admission capacity in any Course of Study Regulations, 2000 pertaining to having an Essentiality Certificate in the prescribed format is not fulfilled."

The Committee further considered the letter of the Central Govt. dated 28.04.2015 forwarding representation dated 23.04.2015 of the Dean, St. John's

Medical College. The Central Govt. has requested the Council to review/assess the schemes 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 immediately.

The Committee further perused the legal opinion of the Law Officer of the Council which reads as under:-

“The file of St. John’s Medical College for increase of seats in MBBS from 60 to 150 has been referred for my opinion in context of letter dated 28.04.15 of the Central Government wherein the Central Government has recommended for review by MCI as the new EC (Essentiality Certificate) issued by Government of Karnataka seems in order.

2. It may be noted that the time-schedule for application for increase in admission capacity in MBBS is same as that laid down in the Establishment of Medical College Regulations, 1999 and as per that the last date for Council to make its recommendation to the Central Government is 15th May. In order to make its recommendations, the Council firstly scrutinizes the application; and secondly, if the application is found in order physical verification of facilities is carried out by conducting assessment; and thirdly, if required compliance verification assessment is carried out. This whole exercise commences from 1st of October onwards. Therefore, at this juncture, when the application processing schedule has reached completion processing of an application afresh, i.e., the process that ought to have started on 01.10.2014 is not advisable. Hence, the Executive Committee may consider informing the Central Government that in view of the time-schedule laid down in Regulations and the carrying out of the processing involved therein to make recommendations; it is not possible to process the application of the College for this academic year. It may in accordance with the requirement of Regulations apply afresh for the next academic year within the prescribed time-limit.”

The Committee also perused the following judgment passed by the Hon'ble High Court of Delhi in LPA 224/2015&CM No. 6871/2015 (stay) filed by MCI Vs Amma Chandravati Education and Charitable Trust and Ors. and other connected matters:-

“.....36. Be that as it may, the fact remains that though the petitioners failed to submit the mandatory documents along with their applications, the same were submitted after 31.08.2014 but before 30.09.2014. No material could be placed before this court by the Central Government with regard to the actual date on which the applications of the petitioners were considered by it in terms of Section 10A(2) of the MCI Act nor the plea of the petitioners that their applications were taken up by the Central Government for consideration only after the deficient documents were furnished, is disputed. Therefore, the only question that requires consideration is whether the Central Government is justified in refusing to consider the documents subsequently submitted by the petitioners merely on the ground that they failed to enclose the same to their respective applications.

37. The provisions of the MCI Act as well as the Regulations made thereunder mandate the reference of the scheme/application for the recommendations of the Council only where the scheme/application is complete in all respects. Further, the Regulations themselves provide that the documents in question i.e. the Essentiality Certificate and the Certificate of Affiliation shall be submitted along with the application seeking permission under Section 10A of the MCI Act. Therefore,

admittedly the applications of the petitioners were incomplete by the date of their submission and even by 31.08.2014, i.e., the cut-off date prescribed under the Schedule for receipt of applications by the Central Government.

38. In the light of the mandatory provisions of the MCI Act and the Regulations made thereunder, it cannot be held that the Central Government is bound to give an opportunity to the applicants to submit the deficient documents and for the said purpose the consideration of the applications under Section 10A(2) shall be kept pending till the cut-off date, i.e. 30.09.2014. Such interpretation would undoubtedly render the time schedule unworkable and impracticable.

39. However, when the deficient documents are available with the Central Government as on the date of consideration of the applications for reference to the MCI for their recommendations, it appears to us that nothing precludes the Central Government to consider the applications on merits. Rejection of the applications in such circumstances merely on the ground that the said documents were not submitted along with the applications may not be proper since such pedantic approach does not serve any purpose. Therefore, we too agree that the Central Government in appropriate cases may exercise the discretion in favour of the applicants and consider the applications which are complete in all respects by the date of consideration under Section 10A(2) of the MCI Act. Such consideration in our considered opinion cannot be found fault with since the same would not affect the adherence to the statutory time schedule. However, the question with which we are concerned in the present case is whether the failure of the Central Government to exercise such discretion can be held to be erroneous and contrary to law and whether a positive direction can be issued by this court to consider the applications of the petitioners particularly at the fag end of the statutory time schedule.

40. As noticed above, the learned Single Judge in the order under appeal directed that the Central Government shall now forward the applications of the petitioners to MCI and that the MCI shall consider the same and make its recommendations within a period of four weeks thereafter. It may be pointed out that though the writ petitions were filed in November, 2014, the same could be disposed of only now and the order under appeal came to be passed on 08.04.2015, at the fag end of the statutory schedule. Only two steps, i.e. recommendation of the MCI for Letter of Permission which has to be done on or before 15.06.2015 and the issuance of Letter of Permission by the Central Government before 15.07.2015 remain under the schedule as of today. The time prescribed for recommendations of the Medical Council of India after making due inspections for examining the sufficiency of the facilities proposed in the scheme, expired long back on 31.12.2014.

41. The learned senior counsel appearing for the MCI, while placing reliance upon **State of Kerala v. T.P. Roshana**, (1979) SCC 580, **MCI v. State of Karnataka**, (1998) 6 SCC 131 and **Dr. Preeti Srivastava v. State of M.P.**, (1999) 7 SCC 120 and emphasising the importance of the maintenance of highest standards of medical education and the responsibility of the MCI to ensure that the standards are satisfied in all respects by the proposed institutions, submitted that making the recommendations to Central Government for issue of Letter of Intent is a time consuming process. The learned counsel points out that even under the statutory schedule, three months time is given to the MCI to make its recommendations.

42. It may be true that there is need for additional medical assistance in our country and that the infrastructure created and the investment made by the petitioners for training a significant number of doctors would remain unutilized for one year if their applications for the Academic Session 2015-16 are not considered. However, in our considered view, the same cannot be a ground to issue directions at this stage to consider their applications at the fag end of the Schedule fixed for the Academic Year 2015-16. As a matter of fact, the schedule for the Academic Year 2016-17 is also about to commence from 01.08.2015. That being so, the implementation of the directions issued by the learned Single Judge far behind the statutory time schedule is impracticable and also does not serve any public purpose.

43. In **Educare Charitable Trust v. Union of India and Anr.**, (2013) X AD (SC) 485, the Supreme Court in identical circumstances held that no relief can be granted to the applicant therein observing as under:-

“8. As per the aforesaid time-schedule, the applicant-college desirous of increasing the admission capacity is to submit the application from 1st August to 30th September. This was done by the petitioner. However, what was found that the petitioner was not meeting the qualifying criteria as on that date because with respect to existing admission capacity, it had not been recognized so far. The applications are to be forwarded by the Central Government, once they are found to be in order and meeting the qualifying criteria laid down in Regulation 19, by 31st October in respect of BDS course. This time was extended upto 31st December in this year. After an application is forwarded to the DCI, DCI is supposed to evaluate the scheme for increasing admission capacity as per the procedure laid down in Regulation 21 which lays down that the DCI is required to ascertain the LPA 224/2015 & connected matters desirability and prima facie feasibility for increasing the admission capacity at the Dental College. It is also required to satisfy itself about the capability of the Dental College to provide necessary resources and infrastructure for the scheme. DCI is even required to conduct physical inspection of the college before forming an opinion as to whether the applicant satisfies the condition of feasibility of increasing the admission capacity. This process, naturally, is time consuming. As per the time-schedule referred to above, time upto 15th June is given for the DCI to make recommendation to the Central Government. Such a report containing its recommendation is to be given in terms of Regulation 22. Thereafter, Central Government is required to go into the said recommendation and if it is found that applicant-college deserves the permission to increase the admission capacity, Letter of Permission is to be issued by 15th July. This time frame is to ensure timely admissions of students.

9. Having regard to the above, it is not possible to accede to the request of the petitioner to change the time-schedule when the last date for admitting the students, which was July 15, 2013, expired long ago. If the Central Government forwards the application to the DCI at this juncture, DCI shall hardly have any time to look into the feasibility of the scheme as per the requirements contained in Regulation 21. We have to keep in mind that in the schedule annexed to the Regulations 2006, six to eight months time is given to the DCI for this purpose. We are, thus, of the view that the High Court did not commit any error in holding that in the given circumstances mandamus could not be issued to the Central Government to exercise its discretionary powers in a particular manner to modify the time-schedule. Sanctity to the time-schedule has to be attached. It is too late in the day, in so far as present academic session is concerned, to give any direction. - This Court has highlighted the importance of cut off date for starting the LPA 224/2015 & connected

matters professional courses, particularly medical courses, and repeatedly impressed upon that such deadline should be tinkered with. (See: Priya Gupta Vs. State of Chhattisgarh (2012) 7 SCC 433 and Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P. (2013) 2 SCC 617)."

44. For the aforesaid reasons, we are unable to uphold the directions issued for processing the applications of the petitioners and, therefore, we are constrained to set aside the same.

45. In the result, the order under appeal is set aside and the appeals shall stand allowed.

48. In the facts and circumstances of the case, there shall be no order as to costs."

In view of above, the Executive Committee of the Council decided to accept the legal opinion and return the application to the Central Government recommending disapproval of the scheme for increase of seats in MBBS course from 60 to 150 at St. John's Medical College, Johnnagar, Sarjapur Road, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

72. NSCB Medical College, Jabalpur – 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 NSCB Medical College, Jabalpur – 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 considered the compliance verification assessment report (05.05.2015), assessment report (4th & 5th February, 2015) alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Madhya Pradesh dated 13.05.2015 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 140-150 of NSCB Medical College, Jabalpur under Rani Durgavati Vishlaya, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

73. Patliputra Medical College, Dhanbad – 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 Patliputra Medical College, Dhanbad – 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 (05.05.2015) along with assessment report (29th & 30th December, 2014) and noted the following:-

1. Deficiency of faculty is 52.2 % as detailed in the report.
2. Shortage of residents is 72.4 %. None of the Senior Residents reside in the campus.
3. Teaching beds are short as under:
 - (a) General Medicine: 7;
 - (b) Paediatrics: 6;
 - (c) Tb & Chest: 8;
 - (d) Psychiatry: 24 &
 - (e) General Surgery: 24.

- Deficiency remains as it is.
4. Bed occupancy is 56 % on day of assessment.
 5. OPD: Teaching areas are small. Plaster room & Plaster cutting room is common. Deficiency remains as it is.
 6. Wards: Nursing station is not available in the wards of General Medicine, Ophthalmology, ENT. No patients are admitted in Ophthalmology & ENT departments.
 7. Laboratory Investigations: Workload is inadequate.
 8. Histopathology & Cytopathology workload is inadequate.
 9. Casualty: Only 1 CMO is available.
 10. ICUs: There is NIL patient in SICU & only 1 patient in NICU on day of assessment.
 11. Deficit of static X-ray machines (Two in number) remains as it is.
 12. Radiodiagnosis department: Only 1 USG is functional. CT room is closed. There is no Radiologist. Workload remains very low. Deficiency remains as it is.
 13. Nursing staff: Only 85 Nurses are available which are inadequate.
 14. MEU: No workshop on MET was conducted during the year. Deficiency remains as it is.
 15. Residents' hostel is under renovation.
 16. MRD: ICD X classification of diseases is not followed. Medical Records Officer & Statistician are not available. Deficiency remains as it is.
 17. Intercom is available in college building but not in hospital building.
 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 3rd Batch of MBBS students against the increased intake i.e. from 50-100 of Patliputra Medical College, Dhanbad under Vinoba Bhave University, Hazaribag u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

74. Jawaharlal Nehru Medical College, Ajmer– 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 Jawaharlal Nehru Medical College, Ajmer– 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 (05.05.2015) along with assessment report (20th & 21st January, 2015) and representation dated 10/5/2015. from the Principal & Controller, Jawahar Lal Nehru Medical College and Associated Group of Hospital, Ajmer and undertaking received from the Principal Secretary, Govt. of Rajasthan Department of Medical Education alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Rajasthan dated 13.05.2015 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 Jawaharlal Nehru Medical College, Ajmer under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

75. Govt. Medical College, Srinagar – 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. Medical College, Srinagar – 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 (07.05.2015) along with assessment report (24th & 25th March, 2015) alongwith an undertaking of the Commissioner Secretary to Government of Jammu & Kashmir, Srinagar, dated 13.05.2015 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 Govt. Medical College, Srinagar under Kashmir University, Srinagar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

76. Jawaharlal Nehru Medical College, Bhagalpur – 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 Jawaharlal Nehru Medical College, Bhagalpur – 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 (05.05.2015) along with assessment report (2nd & 3rd March, 2015) and noted the following:-

1. Deficiency of faculty is 31.9 % as detailed in the report.
2. Shortage of Residents is 37.25 % as detailed in the report.
3. ICUs: SICU has only 4 beds against 5 required.
4. Only 3 mobile X-ray machines are available against requirement of 4. Deficiency remains as it is.
5. Only 3 static X-ray machines are available against requirement of 5. Deficiency remains as it is.
6. CT Scan is not available. Only 3 mobile X-ray machines are available against requirement of 4. Deficiency remains as it is.
7. ETO Sterilizer is not available. Deficiency remains as it is.
8. Central Library: Available area is 465 sq.m. against requirement of 1,600 sq.m. Seating capacity of Reading room (Outside) & Reading room (Inside) is 75 & 50 respectively against requirement of 100 each. Capacity of staff reading room is only 10. Librarian is not available. Deficiency remains as it is.
9. MRD: Separate MRD is not in existence. ICD X classification of diseases is not followed. Deficiency remains as it is.
10. Anatomy department: Space is inadequate. Band saw & Mortuary chamber are not available. Deficiency remains as it is.
11. Forensic Medicine department: Cold storage facility is not available. Deficiency remains as it is.
12. 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 of MBBS students against the increased intake i.e. from 50-100 of Jawaharlal Nehru Medical College, Bhagalpur under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

77. Govt. Medical College, Jammu – 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. Medical College, Jammu – 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 (07.05.2015) along with assessment report (2nd & 3rd March, 2015) alongwith an undertaking from the Commissioner Secretary to Government of Jammu & Kashmir, Srinagar, dated 13.05.2015 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 Govt. Medical College, Jammu under Jammu University, Jammu & Kashmir u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

78. Recognition/Approval of Pt. Jawahar Lal Nehru Memorial Medical College, Raipur, Chhattisgarh for the award of MBBS degree granted by Ayush University of Health Sciences, Raipur, Chhattisgarh against the increased intake i.e. from 100-150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Pt. Jawahar Lal Nehru Memorial Medical College, Raipur, Chhattisgarh for the award of MBBS degree granted by Ayush University of Health Sciences, Raipur, Chhattisgarh against the increased intake i.e. from 100-150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (30.04.2015) along with assessment report (11th & 12th December, 2013 and 02.03.2015) and noted the following:-

1. Deficiency of faculty is 31.16 % as detailed in the report.
2. Shortage of Residents is 43.16 % as detailed in the report.
3. Lecture Theater of capacity 350 is not available. Deficiency remains as it is.
4. Central Library: Expansion area of 1,200 sq.m. is not yet functional. Deficiency remains as it is.
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 Pt. Jawahar Lal Nehru Memorial Medical College, Raipur, Chhattisgarh for the award of MBBS degree granted by Ayush University of Health Sciences, Raipur, Chhattisgarh against the increased intake i.e. from 100-150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

79. Govt. Siddhartha Medical College, Vijayawada – 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 Govt. Siddhartha Medical College, Vijayawada – 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 (05.05.2015) along with assessment report (10th & 11th November, 2014) representation dated 11/05/2015 from the Principal, Siddhartha Medical College, Vijayawada furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Special Chief Secretary, Deptt. of Medical & Health, Govt. of Andhra Pradesh, dated 13.05.2015 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 Govt. Siddhartha Medical College, Vijayawada under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

80. Recognition/Approval of Nalanda Medical College, Patna for the award of MBBS degree granted by Aryabhata Knowledge University, Patna, Bihar against the increased intake i.e. from 50-100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Nalanda Medical College, Patna for the award of MBBS degree granted by Aryabhata Knowledge University, Patna, Bihar against the increased intake i.e. from 50-100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (06.05.2015) along with assessment report (14th & 15th January, 2014 and 26.02.2015) and noted the following:

1. Deficiency of faculty is 14 % as detailed in the report.
2. Shortage of Residents is 18.4 % as detailed in the report.
3. CT scan is non-functional. Deficiency remains as it is.
4. There are only 2 mobile X-ray machines against requirement of 6 and 3 static X-ray machines against requirement of 5. Deficiency remains as it is.
5. Auditorium is under construction. Examination hall is very small than required.
6. Lecture Theater of capacity 250 is not available. Deficiency remains as it is.
7. Central library: Available area is 1,144 sq.m. against requirement of 1,600 sq.m. Deficiency remains as it is.
8. Intercom is not available. Deficiency remains as it is.
9. Other deficiencies as pointed out in the assessment report.

In view of the above committee decided to recommend to the Central Government not to recognise/approval of Nalanda Medical College, Patna for the award of MBBS degree granted by Aryabhata Knowledge University, Patna, Bihar against the increased intake i.e. from 50-100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Executive Committee of the Council considering the undertaking of the Secretary Health Deptt., Govt. of Bihar, dated 13.05.2015 also decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 MBBS students at Nalanda Medical College, Patna for the academic year 2015-2016.

81. Recognition/approval of Subharti Medical College, Meerut for awarded of MBBS degree granted by Swami Vivekanand Subharti University, Meerut against increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Subharti Medical College, Meerut for awarded of MBBS degree granted by Swami Vivekanand Subharti University, Meerut against increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council perused the letter dated 30.04.2014 of the team of and observed as under:-

“ ----we have gone for compliance verification assessment of the physical and the other teaching facilities available for recognition/approval of Subharati Medical College, Meerut under Swami Vivekanand Subharti University, Meerut u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree against the increased intake i.e. from 100 to 150 seat on 30.04.2015. But college authorities did not allow us to carry out compliance inspection and stated that the inspection will not be carried out till the matter is decided by the Hon'ble Supreme Court of India.”

In view of above, the Executive Committee of the Council decided to reiterate earlier decision to recommend to the Central Government not to recognize/approve Subharti Medical College, Meerut for the award of MBBS degree granted by Swami Vivekanand Subharti University, Meerut against increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and 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.

82. 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 the compliance verification assessment report (05.05.2015) along with assessment report (8th & 9th December, 2014) and noted the following:-

1. Deficiency of faculty is 12.96 % as detailed in the report.
2. Shortage of Residents is 25.17 % as detailed in the report.
3. Workload of special investigations like Ba, IVP is NIL on day of assessment.
4. Histopathology workload is NIL on day of assessment.
5. Wards: Nursing stations are outside the wards. There is no side laboratory, pantry in several wards. Signboards indicating department or Unit are not available.
6. Tb & Chest and ENT departments are not properly separated.
7. Microbiology investigation workload appears to be inflated.
8. Number of Major operations are only 10 on the day of assessment.
9. 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 100-150 of Bharati Vidyapeeth Deemed University's Medical College, Sangli under Bharati Vidyapeeth Deemed University, Pune u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Committee further observed that the Residents deficiency is 12.65% for 100 MBBS admissions and accordingly decided to apply clauses 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.

83. Recognition/Approval of Sikkim Manipal Institute of Medical Sciences, Sikkim for the award of MBBS degree granted by Sikkim Manipal University, Gangtok, Sikkim against the increased intake i.e. from 50-100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Sikkim Manipal Institute of Medical Sciences, Sikkim for the award of MBBS degree granted by

Sikkim Manipal University, Gangtok, Sikkim against the increased intake i.e. from 50-100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (07.05.2015) along with assessment report (10th & 11th March, 2015) and noted the following:-

(A) EXCLUDING STNM HOSPITAL:

1. Deficiency of faculty is 10.94 % as detailed in the report.
2. Shortage of Residents is 34.29 % as detailed in the report.
3. Teaching beds: There is shortage of 196 beds as detailed in the report as only 304 beds are available against requirement of 500.
4. OPD attendance is 618 against requirement of 800.
5. Bed occupancy on the day of assessment in institute's own hospital is only 35.85 % as detailed in the report. In Paediatrics ward, occupancy was only 9 out of 30 beds.
6. There are only 7 Major operations for the whole hospital on day of assessment which is inadequate. There is no list for Minor operations.
7. Radiological investigation workload in the form of Plain X-rays (56 only), USG (11 only), special investigations like Ba, IVP (NIL) is inadequate.
8. Only 4 Mobile X-ray machines are available against requirement of 6 as per Regulations. Deficiency remains as it is.
9. In Ophthalmology department, there is NIL Major operation since 01/05/2015 till day of assessment (i.e. 07/05/2015)
10. Other deficiencies as pointed out in the assessment report.

(B) INCLUDING STNM HOSPITAL:

1. Deficiency of faculty is 7.81 % as detailed in the report.
2. Shortage of Residents is 27.62 % as detailed in the report.
3. Bed occupancy is 58.63 % on the day of assessment which is inadequate.
4. Special investigations like Ba, IVP are not performed.
5. Wards: Wards in STNM Hospital are very crowded and the beds are very closely kept together; the distance between 2 beds is < 1.5 m. teaching area & Pantry are not available.
6. Entire STNM Hospital has very poor hygienic standards.
7. Hospital does not maintain any records for posting, attendance & teaching of UG students except Paediatrics department.
8. 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 Sikkim Manipal Institute of Medical Sciences, Sikkim for the award of MBBS degree granted by Sikkim Manipal University, Gangtok, Sikkim against the increased intake i.e. from 50-100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Committee further observed that the resident deficiency excluding STNM hoipsital is 28.57% and after including STNM Hospital is 23.07% for 50 MBBS admissions annually and therefore 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.

84. Increase of MBBS seats from 150 to 200 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 200 at Prathima Institute of Medical Sciences, Karimnagar, Andhra Pradesh for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (06.05.2015) along with assessment report (12th & 13th March, 2015) and decided to recommend to the Central Govt. to grant Letter of Permission for increase of MBBS seats from 150 to 200 u/s 10A of the IMC Act, 1956 in respect of Prathima Institute of Medical Sciences, Karimnagar, Andhra Pradesh for the academic year 2015-2016.

The Executive Committee of the Council further decided to revoke clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010(Part II), dated 16th April, 2010.

85. Recognition/Approval of Karnataka Institute of Medical Sciences, Hubli for the award of MBBS degree granted by by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100-150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Karnataka Institute of Medical Sciences, Hubli for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100-150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (05.05.2015), assessment report (11th & 12th January, 2014 and 04.03.2015) and noted as following:

1. Deficiency of faculty is 11.7 % as detailed in the report.
2. Shortage of Residents is 14.3 % as detailed in the report.
3. Casualty requires modernization. Deficiency remains as it is.

4. UHC is under dual control of Dean & Dharwad Municipal Corporation which is not permissible.
5. Other deficiencies as pointed out in the assessment report.

In view of the above committee decided to recommend to the Central Government not to recognise/approve of Karnataka Institute of Medical Sciences, Hubli for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100-150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Executive Committee of the Council considering the undertaking of the Principal Secretary Health, Medical Education, Govt. of Karnataka dated 13.05.2015 further decided to recommend to the Central Government to renew the permission for admission of fresh batch of 150 MBBS students at Karnataka Institute of Medical Sciences, Hubli for the academic year 2015-2016.

86. Jawahar Lal Nehru Medical College, Belgaum – 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 Jawahar Lal Nehru Medical College, Belgaum – 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 considered the compliance verification assessment report (13.03.2015) 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 150-200 of Jawahar Lal Nehru Medical College, Belgaum under KLE University, (Deemed University), Belgaum u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

87. Rajarajeswari Medical College & Hospital, Bangalore – 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 Rajarajeswari Medical College & Hospital, Bangalore – 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 (11.04.2015) along with assessment report (25th & 26th November, 2014) and noted the following:-

1. Deficiency of faculty is 8.77 % as detailed in the report.
2. Shortage of Residents is 7.91 % as detailed in the report.
3. Bed occupancy is 54 % on day of assessment.
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 100-150 of Rajarajeswari Medical College & Hospital, Bangalore under Rajiv Gandhi

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

88. Father Muller's Medical College, Mangalore – 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 Father Muller's Medical College, Mangalore – 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 (17.03.2015) along with assessment report (27th & 28th November, 2014) and noted the following:-

1. Deficiency of faculty is 13.87 % as detailed in the report.
2. Shortage of Residents is 20.56 % 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 100-150 of Father Muller's Medical College, Mangalore under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

89. 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 compliance verification assessment report (08th May 2015) alongwith previous assessment report (23rd & 24th Feb., 2015) and decided to recommend to the Central Govt. to renew the permission for admission of 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.

90. Renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Medical College, Bettiah, West Champaran, Bihar under Aryabhatta Knowledge University, Patna, Bihar 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 Govt. Medical College, Bettiah, West Champaran, Bihar under Aryabhatta Knowledge University, Patna, Bihar 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 (05th May 2015) alongwith previous assessment report (29th & 30th January, 2015) and noted the following:-

1. Deficiency of faculty is 76.4 % as detailed in report. No Professor was available till 1 p.m. No one from the departments of General Medicine & Surgery departments was available during the morning assessment round.
2. Shortage of Residents is 89 % as detailed in the report.
3. Only 1 Unit is available in paediatrics against 2 required. There are only 2 Asst. Prof. and no SR/JR. Deficiency remains as it is.
4. There was only 1 Major operation for the whole hospital on day of assessment.
5. Histopathology & Cytopathology workload was NIL on day of assessment.
6. O.T.: Only 3 Major O.T.s are available against requirement of 4 and 1 Minor O.T. is required against requirement of 2. Central Oxygen is not available. Monitoring & Resuscitation equipment is inadequate as detailed in the report. Deficiency remains as it is.
7. ICUs: They are still non-functional and without any patients. No Central Oxygen or Suction available. Air-conditioning is not available.
8. Radiodiagnosis department: No mobile X-ray machine is available. 2 static X-ray machines are available out of which 1 is non-functional. Only 1 USG is available against requirement of 2. Deficiency remains as it is.
9. Special investigations like Ba, IVP are not carried out.
10. CSSD is not available. Deficiency remains as it is.
11. Speech Therapy is not available. Recruiting of services of Speech therapist from Red Cross society does not fulfill the requirement.
12. Nursing staff: Only 25 Nurses are available against requirement of 175 as per Regulations.
13. Central Library: Available area is only 80 sq.m. against requirement of 1,600 sq.m. It is not air-conditioned. Capacity of Reading Room (Outside) & Reading Room (Inside) is 5 each against requirement of 100 each. Staff reading room is not available. Only 1,195 books are available against requirement of 1,400. Journals are not available. Internet nodes are not available. Staff is inadequate. Deficiency remains as it is.
14. Central Photography section is not available. Deficiency remains as it is.
15. Students' Hostels: Accommodation is available only for 173 students against requirement of 225. Visitors' room, A.C. study room with computer & Internet is not available. Deficiency remains as it is.
16. Residents' Hostel: No separate hostel is available for Residents. Accommodation is provided for only 10 Residents against requirement of 82. Ancillary facilities are inadequate. Deficiency remains as it is.
17. Nurses' Hostel: Ancillary facilities are inadequate. Deficiency remains as it is.
18. Residential Quarters: Total 30 quarters are available for faculty & non-teaching staff combined against requirement of 23 for faculty & 36 for non-teaching staff. Deficiency remains as it is.
19. Recreation facilities are not available. Deficiency remains as it is.
20. MRD: It is manual. ICD X classification of diseases is not followed for indexing of diseases. Medical Records Officer / Statistician are not available. Deficiency remains as it is.
21. Central Clinical Laboratory: Separate sections are not available. Deficiency remains as it is.
22. Paramedical staff: 94 paramedical staff are available against requirement of 101.
23. Anatomy department: There are no specimens in the museum. Dissection hall is very small with only 2 Dissection tables against requirement of 250 sq.m. Students' lockers are not available.

Audiovisual aids are not available in the Demonstration room. Deficiency remains as it is.

24. Departments of Pathology, Microbiology, Pharmacology & Forensic Medicine are not fully functional. Laboratories & Museum are yet to be set up.
25. 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 Govt. Medical College, Bettiah, West Champaran, Bihar under Aryabhatta Knowledge University, Patna, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

91. Renewal of permission for MBBS course for 2nd batch (50 seats) of Govt. Medical College, Idukki, 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 (50 seats) of Govt. Medical College, Idukki, 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 (05th May 2015) alongwith previous assessment report (29th & 30th December, 2014) and noted the following:-

1. Deficiency of teaching faculty is 74.67 % as detailed in report.
2. Shortage of Residents is 92.19 % as detailed in report.
3. Teaching Beds: Deficiency of 41 teaching beds still persists; Even out of the 259 beds claimed, actually only 168 beds are available. Hence shortage of Beds is 132. Deficiency remains as it is.
4. Only 1 static X-ray machine is available against requirement of 2. Deficiency remains as it is.
5. OPD: There are only 3 Examination rooms available for each department against requirement of 4. In Ophthalmology OPD, Dressing room / Minor procedure room is not available. Deficiency remains as it is.
6. Workload of Plain X-rays is only 14 on day of assessment which is inadequate. Special investigations like Ba, IVP are not performed. Deficiency remains as it is.
7. Workload of laboratory investigations is inadequate. Deficiency remains as it is.
8. There was only 1 Major operation & 4 Minor operation for the whole hospital on day of assessment.
9. Histopathology & Cytopathology workload is NIL on day of assessment.
10. Hospital is under the control of Director of Health Services & not under the control of Dean or Director of Medical Education.
11. O.T.: Only 2 Major O.T.s are available against requirement of 4. Deficiency remains as it is.
12. MRD: It is manual. Statistician is not available. Deficiency remains as it is.
13. Lecture Theaters: Only 1 lecture theater is available. Deficiency remains as it is.
14. Central Library: Capacity of Reading room (Outside) & Reading room (Inside) is still inadequate. Deficiency remains as it is.
15. Central photography section is not available.
16. Students' Hostel: A.C. study room is not available.
17. Residents' Hostel: Available accommodation is for only 12 Residents against requirement of 35. Deficiency remains as it is.

18. Audiometry & Speech Therapy are not available.
19. Intercom is installed but not working.
20. Nursing staff: Only 43 Nurses are available against requirement of 175. Deficiency remains as it is.
21. Paramedical staff: Only 63 paramedical staff are available against requirement of 99. Deficiency remains as it is.
22. 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 2nd batch (50 seats) of Govt. Medical College, Idukki, Kerala under Kerala University of Health Sciences, Thrissur, Kerala u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

92. Renewal of permission for MBBS course for 2nd batch (150 seats) of Sri Padmavathi Medical College for Women, Tirupati, Andhra Pradesh under Dr. NTR 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 Sri Padmavathi Medical College for Women, Tirupati, Andhra Pradesh under Dr. NTR 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 (07th May 2015) alongwith previous assessment report (05th & 06th January, 2015) alongwith an undertaking of the Special Chief Secretary, Deptt. of Medical & Health, Govt. of Andhra Pradesh, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for MBBS course for 2nd batch (150 seats) of Sri Padmavathi Medical College for Women, Tirupati, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

93. Establishment of new medical college at Faridabad, Haryana by Employees State Insurance Corporation, New Delhi with an annual intake of 100 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 Faridabad, Haryana by Employees State Insurance Corporation, New Delhi with an annual intake of 100 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 considered the compliance verification assessment report (05th May 2015) alongwith previous assessment report (17th & 18th December, 2014) and noted the following:

1. Deficiency of faculty is 53.7 % as detailed in the report.
2. Shortage of Residents is 33.3 % as detailed in the report.
3. ICU: MICU, SICU, PICU/NICU are not available in the institute's own hospital.
4. Recreational facilities are not available.

5. OPD: Separate registration counters for OPD/IPD are not available. 4 Examination rooms for each department as required are not available. Teaching areas are not available. In Ophthalmology OPD, Dressing room / Minor procedure room is not available. Deficiency remains as it is.
6. Audiometry & Speech Therapy are not available. Deficiency remains as it is.
7. Wards: Demonstration rooms are not available. Deficiency remains as it is.
8. MRD: ICD X classification of diseases is not followed for indexing. Statistician is not available. Deficiency remains as it is.
9. Anatomy department: Specimens, cadavers are not available.
10. 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 Faridabad, Haryana by Employees State Insurance Corporation, New Delhi under Pt. B.D Sharma University of Health Sciences, Rohtak, Haryana to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

94. Recognition/approval of Fathima Institute of Medical Sciences, Kadapa, Andhra Pradesh for the award of MBBS degree (100 seats) granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Fathima Institute of Medical Sciences, Kadapa, Andhra Pradesh for the award of MBBS degree (100 seats) granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (06th May 2015) alongwith previous assessment report (26th & 27th February, 2015) and noted the following:-

1. Deficiency of faculty is 76.99 % as detailed in the report.
2. Shortage of Residents is 93.20 % as detailed in the report.
3. Bed occupancy is 21 % on day of assessment.
4. There was only 1 Major & 2 Minor operations on day of assessment.
5. Histopathology workload is only 2 on day of assessment which is inadequate.
6. MRD: It is partly computerized.
7. 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 Fathima Institute of Medical Sciences, Kadapa, Andhra Pradesh for the award of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

95. Establishment of new medical college at Kanpur, Uttar Pradesh by Shree Durga Maa Shiksha Seva Samiti, Kanpur, Uttar Pradesh with an annual intake of 150 students under Chhatrapati Shahuji 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 Kanpur, Uttar Pradesh by Shree Durga Maa Shiksha Seva Samiti, Kanpur, Uttar Pradesh with an annual intake of 150 students under Chhatrapati Shahuji 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 (07th May 2015) alongwith previous assessment report (23rd & 24th January, 2015) and noted the following:

1. Deficiency of faculty is 25 % as detailed in the report.
2. Shortage of Residents is 42 % as detailed in the report.
3. Bed occupancy is 40 % on day of assessment.
4. Workload of special investigations like Ba, IVP is NIL on day of assessment.
5. Anatomy department: Cadavers are not available.
6. 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 Kanpur, Uttar Pradesh by Shree Durga Maa Shiksha Seva Samiti, Kanpur, Uttar Pradesh under Chhatrapati Shahuji Maharaj University, Kanpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

96. Establishment of new medical college at Jodhpur, Rajasthan by Kushal Education Trust, Jaipur, Rajasthan with an annual intake of 100 students under Jodhpur National Univerisity, 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 students under Jodhpur National Univerisity, Jodhpur 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 May 2015) alongwith previous assessment report (29th & 30th January, 2015) and further perused the letter from assessors dated 07.05.2015 which reads as under:

"....Dean and Medical Superintendent were absent and the college authority has given the letter that they are not ready for the compliance verification assessment for the academic year 2015-16. However, the bed occupancy in entire hospital was 0% and teaching staff and resident doctors deficiency are 100% as no patient or any doctor was available in hospital or college"....

In view of above, 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 under Jodhpur National Univerisity, Jodhpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year

2015-2016 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.

97. Assessment of the physical and other teaching facilities available for recognition/approval of Great Eastern Medical School & Hospital, Ragolu, Srikakulam, A.P. for the award of MBBS degree (100 seats) granted by Dr. NTR University of Health Sciences, Vijayawada 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 Great Eastern Medical School & Hospital, Ragolu, Srikakulam, A.P. for the award of MBBS degree (100 seats) granted by Dr. NTR 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 (05th May, 2015) alongwith previous assessment report (11th & 12th February 2015) and decided to recommend to the Central Government for recognition/approval of Great Eastern Medical School & Hospital, Ragolu, Srikakulam, A.P. for the award of MBBS degree (100 seats) granted by Dr. NTR University of Health Sciences, Vijayawada 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 Committee further decided to obtain a legal opinion on the issue of recommending first batch for the academic year 2015-16 and the matter may be kept pending till the opinion is received. Further, 15th May being the last date for sending the recommendations as per the time schedule the legal section be directed to obtain the legal opinion immediately so that the final decision can be taken in this meeting itself.

The Committee perused the legal opinion of the Ld. Addl. Solicitor General and the operative part of the said opinion is reproduced as under:-

".....In the above-mentioned circumstances prevalent at any such medical college, in my opinion, pending issuance of formal orders / notification by the Ministry of Health, Govt. of India on the recommendations of the MCI for grant of recognition to any such

medical college, it would neither be statutorily proper nor appropriate nor justified to stop / prohibit the college from making admission of fresh batch of students in the MBBS course. In my opinion, under such circumstances, any such college fulfilling all the minimum infrastructural, teaching and other requirements for imparting medical education for all the 5 years and awaiting the issuance of formal notification for grant of recognition – would be entitled to make admission of fresh batch of students in the MBBS course. Any such admission of fresh batch of students in the MBBS course in those circumstances, in my view, would not be on account of renewal of permission but would be the entitlement of the college who has been recommended by the MCI for issuance of formal notification for recognition by the Govt. of India.

I would hasten to add here that whenever any medical college is issued with the formal notification for recognition of the MBBS course, it does not thereafter require any permission and / or annual renewal for admission of fresh batch of students and remains entitled, from year to year, to make admissions in the MBBS course in that college till the time it continues to remain a recognized medical college.

The upshot of the entire discussion above is that:-

- (i) In the event a college imparting medical education to 5th year course of the MBBS students is issued a notice by the MCI under clause 8(3)(1)(b) of the MCI Regulations, as amended on 16.04.10, and*
- (ii) it undergoes compliance verification for the purpose of MCI making recommendation for grant of recognition to this medical college, and*
- (iii) it fulfills the minimum infrastructural, teaching and other requirements for imparting medical education for all 5 years of the MBBS course and the MCI makes recommendation to the Ministry of Health, Govt. of India for issuance of formal notification u/s 11(2) of the Act for recognition of its MBBS degree, then*
- (iv) it becomes entitled to make admission of fresh batch of students in the MBBS course while awaiting the issuance of formal notification of recognition u/s 11(2) of the Act.*

Thus I am of the opinion that if any such institution fulfills the entire infrastructure, teaching faculty and other physical facilities required by statutory provisions, to the satisfaction of the querist, the institution cannot be restrained from making admissions, as it will amount to complete waste of infrastructure since the same shall remain unutilized for one year, as well as, deprive the aspiring students of precious MBSS seats”....

In view of the legal opinion of the Addl. Solicitor General, the Committee decided to recommend to renew the permission for admission of fresh batch of 100 MBBS admissions at Great Eastern Medical School & Hospital, Ragolu, Srikakulam, A.P. for the academic year 2015-2016.

98. **Renewal of permission for MBBS course for 3rd batch (100 seats) of Manyavar Kanshi Ram Ji Govt. Allopathic Medical College, Jalaun, U.P. now known as Rajkiya Govt. Medical College, Jalaun(Orai), Uttar Pradesh under Chhatrapati Shahuji Maharaj Medical University, Lucknow Uttar Pradesh u/s 10 A 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 (100 seats) of Manyavar Kanshi Ram Ji Govt. Allopathic Medical College, Jalaun, U.P. now known as Rajkiya Govt. Medical College, Jalaun(Orai), Uttar Pradesh under Chhatrapati Shahuji Maharaj Medical University, Lucknow Uttar Pradesh u/s 10 A of the IMC Act, 1956 for the academic year 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report(5^h May, 2015) along with the previous assessment report(15th & 16th December, 2014) and undertaking dated 11/05/2015 from the Chief Secretary, Government of Uttar Pradesh alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for MBBS course for 3rd batch (100 seats) of Manyavar Kanshi Ram Ji Govt. Allopathic Medical College, Jalaun, U.P. now known as Rajkiya Govt. Medical College, Jalaun(Orai), Uttar Pradesh under Chhatrapati Shahuji Maharaj Medical University, Lucknow Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

99. **Renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Medical College & Super Facility Hospital, Azamgarh, Uttar Pradesh under Chhatrapati Shahuji Maharaj Medical University, Lucknow, 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 3rd batch (100 seats) of Govt. Medical College & Super Facility Hospital, Azamgarh, Uttar Pradesh under Chhatrapati Shahuji Maharaj Medical University, Lucknow, Uttar 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(5^h May, 2015) along with the previous assessment report(23rd & 24th January, 2015) and undertaking dated 11/05/2015 from the Chief Secretary, Government of Uttar Pradesh furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for MBBS course for 3rd batch (100 seats) of Govt. Medical College & Super Facility Hospital, Azamgarh, Uttar Pradesh under Chhatrapati Shahuji Maharaj Medical University, Lucknow, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

100. **Establishment of new medical college at Himmatnagar, Gujarat by Gujarat Medical Education & Research Society, Gujarat with an annual intake of 150 students under Hemchandracharya North Gujarat University, Patan 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 Himmatnagar, Gujarat by Gujarat Medical Education & Research Society, Gujarat with an annual intake of 150 students under Hemchandracharya 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 (05th May 2015) alongwith previous assessment report (28th & 29th January, 2015) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Himmatnagar, Gujarat by Gujarat Medical Education & Research Society, Gujarat under Hemchandracharya North Gujarat University, Patan with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

101. Establishment of new medical college at Paripally, Dist. Kollam, Kerala by Employees' State Insurance Corporation, New Delhi with an annual intake of 100 MBBS students under Kerala University of Medical Sciences, Thrissur 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 Paripally, Dist. Kollam, Kerala by Employees' State Insurance Corporation, New Delhi with an annual intake of 100 MBBS students under Kerala University of Medical Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee of the Council considered the letter dated 27/04/2015 from the Medical Commissioner, Employees' State Insurance Corporation, New Delhi, informing therein as under:-

"... that ESIC Medical College is likely to be taken over by the State Government of Kerala. The decision for takeover by the State Govt. Of Kerala is at the final stage.

In view of the above, it is requested that additional two weeks time may please be granted for submission of compliance in respect of ESIC Medical College at Paripally, Kollam, Kerala.

The Committee further noted that the Council vide its letter dated 29/04/2015 informed the Dean, ESIC Medical College, Kollam that as per the time schedule prescribed in the Regulations, the Council cannot accept their request dated 27/04/2015 to grant additional two weeks time for submission of compliance at this stage. The College authorities was requested to submit the detailed point-wise compliance with the documentary evidence in reference to MCI's letter dated 30/03/2015, failing which, it will be presumed that the college authorities has no further comments to offer in the matter and the MCI will recommend to the Central Govt. for disapproval of their scheme for the academic year 2015-2016.

The Executive Committee further noted that no response/reply has been received from the college authorities. However, the Council Office has also received DO letter dated 28/04/2015 from Sh. N.K. Premachandran, Member of Parliament, Lok Sabha, Kollam, Kerala requesting for providing at least three months' time for re-inspection of Paripally Medical College at Kollam, Thiruvananthapuram, Kerala.

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.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Paripally, Dist. Kollam, Kerala by Employees' State Insurance Corporation, New Delhi under Kerala University of Medical Sciences, Thrissur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 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.

102. Recognition/approval of Sri Siddhartha Medical College, Tumkur for awarded of MBBS degree granted by Sri Siddhartha University, Tumkur against increased intake i.e. from 130 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Sri Siddhartha Medical College, Tumkur for awarded of MBBS degree granted by Sri Siddhartha University, Tumkur against increased intake i.e. from 130 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (07.05.2015) and previous assessment report (20th & 21st January, 2015) and noted the following:-

1. Bed occupancy was 50 % on day of assessment. In that some patients were admitted without proper indication for admission. Some fake patients were also found who were workers in the institute.
2. Capacity of teaching area in OPD of Paediatrics, Orthopedics, O.G. is less than required. No teaching aids are available. Deficiency remains as it is.
3. Blood Bank: Registers are not maintained properly.
4. Wards: Examination cum treatment room & Demonstration room are not available in some wards.
5. Residential Quarters: 30 quarters are available for non-teaching staff against requirement of 36.
6. Common Rooms for Girls: Space & toilet facilities are inadequate.
7. Central Photography section: It is not as per MCI norms. Space is inadequate.
8. Students' Hostel: A.C. study room is not available in Girls' hostel.
9. Address proof attached with Declaration Forms of newly joined Residents does not match on physical verification done on day of assessment.
10. Salary for Senior Residents is only Rs. 12,000 to 15,000 which is disproportionately low.
11. 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 Sri Siddhartha Medical College, Tumkur for the award of MBBS degree granted by Sri Siddhartha University, Tumkur against increased intake i.e. from 130 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Committee further observed that the bed occupancy is 50% for 130 MBBS admissions and accordingly decided to continue the application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II) dated 16th April, 2010.

103. 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 & Anr.

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 & Anr.

The Executive Committee of the Council considered the compliance verification assessment report (07.05.2015) along with assessment report (19th & 20th September, 2014) and noted the following:-

1. Shortage of Residents is 47 % as detailed in the report.
2. Bed occupancy is 59 % on day of assessment. About 80 % were admitted with insignificant vague symptoms like headache, pain in abdomen, generalized body ache, constipation, etc.
3. Case sheets of patients did not have any history or clinical finding or any progress notes written by faculty or Residents. Deficiency remains as it is.
4. There were only 6 Major operations on day of assessment. Deficiency remains as it is.
5. O.T.: Only 5 O.T.s are functional out of 9 O.T.s available.
6. In almost all wards, there was no segregation of male & female patients. Deficiency remains as it is.
7. RICU was under fumigation on day of assessment.
8. Data of Clinical material like OPD attendance, Laboratory investigations, Cytopathology workload provided by institute appear to be inflated.
9. Special investigations like Ba, IVP were NIL on day of assessment.
10. Histopathology workload is NIL on day of assessment.
11. Wards: Most of the wards do not have pantry. Some of the beds in wards are without bed sheet.
12. Residential Quarters: Only 18 quarters are available for non-teaching staff against requirement of 36. Deficiency remains as it is.
13. Other deficiencies as pointed out in the assessment report.

The committee observed that the Institute vide its letter dt. 16.02.2015 has already withdrawn its application for increase of seats from 100 to 150 for the academic year 2015-16. Accordingly the executive committee at its meeting dt. 16.03.2015 decided to return the application to the central government recommending disapproval of the scheme.

However in view of persistent deficiencies as observed above the committee decided to reiterate its earlier decision of invoking 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010. The committee further decided to give one month time to the institution to rectify deficiencies and submit the compliance to the council.

104. 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 compliance verification assessment report (06.05.2015) along with assessment report (27th & 28th January, 2015) and decided to revoke clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.

105. 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 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.

The Executive Committee of the Council considered the compliance verification assessment report (08.05.2015) along with assessment report (5th & 6th December, 2014) and noted the following:-

1. Resident deficiency – the shortage of residents is 9 out of 139 i.e. more than 5%.
2. RHTC - cold chain equipment is inadequate
3. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch for increase of MBBS seats from 100 to 150 u/s 10A of the IMC Act, 1956 in respect of Mediciti Institute of Medical Sciences under NTR University of Health Sciences for the academic year 2015-2016.

The Executive Committee of the Council further decided to revoke clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.

106. 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 verification assessment report (08.05.2015) along with assessment report (10th & 11th March, 2015) and noted the following:-

1. Deficiency of faculty is 15.94 % as detailed in report.
2. Shortage of Residents is 39.88 % as detailed in the report.
3. Bed occupancy is 50.26 % on day of assessment.
4. 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 Govt. recommending disapproval of scheme for increase of seats from 100 to 150 u/s 10A of the IMC Act, 1956 at Dr. Somervell Memorial CSI Medical College & Hospital, Thiruvananthapuram for 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 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.

107. Anugrah Narayan Magadh Medical College, Gaya – 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 Anugrah Narayan Magadh Medical College, Gaya – 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 (06.05.2015) along with assessment report (2nd & 3rd February, 2015 and noted the following:-

1. Deficiency of faculty is 37.71 % as detailed in the report.
2. Shortage of Residents is 65.68 % as detailed in the report.
3. USG machine is not in working order; hence Sonography is not done. PNDT register is not available in Radiodiagnosis department. Form F is not filled up which is essential.
4. Radiological & Laboratory workload is inadequate.
5. OPD: Registration counter is partially computerized. Space is very small. Four examination rooms as required are not available in any OPD. Gynaecology OPD examination room is small & does not have any privacy. Demonstration rooms are not available.
6. Casualty: Infrastructure & facilities in Casualty are poor.
7. O.T.: Infrastructure is poor. In many O.T.s curtains are used as doors. Outside shoes were removed near entrance of theater itself.
8. Obstetric ICU has no facilities. There was no patient on day of admission.

9. Labour Room: There was no patient in Labour room. Eclampsia room is not available.
10. Histopathology workload is NIL on day of assessment.
11. Only 3 mobile X-ray machines are functional against requirement of 4.
12. Only 3 static X-ray machines are functional against requirement of 5.
13. CSSD: It is not properly maintained. ETO Sterilizer is not working.
14. MRD is not fully computerized.
15. Area of Principal's office, College Office, Council hall is smaller than required. Deficiency remains as it is.
16. Lecture Theaters: Facility for E class is not available.
17. Central Library: Area available is only 776 sq.m. against requirement of 1,600 sq.m. Available seating capacity is 100 against requirement of 200. Journals & Internet facility are not available. Deficiency remains as it is.
18. Students' Hostels: They are poorly maintained, dirty and do not have Visitors' Room, A.C. study room with Computer & Internet. Deficiency remains as it is.
19. Residential quarters for faculty are inadequate. Deficiency remains as it is.
20. Intercom is not available.
21. Deficiencies of Anatomy, Physiology, Biochemistry, Pathology, Microbiology, Pharmacology, Forensic Medicine departments remain as they are as detailed in report.
22. RHTC: Residential facilities are inadequate.
23. Cleanliness in the campus as well as in the hospital is very poor.
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 3rd Batch of MBBS students against the increased intake i.e. from 50-100 of Anugrah Narayan Magadh Medical College, Gaya under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

108. Sher-I-Kashmir Institute of Medical Sciences, Srinagar – 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 Sher-I-Kashmir Institute of Medical Sciences, Srinagar – 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 (07.05.2015) along with assessment report (24th & 25th March, 2015) alongwith an undertaking of the Commissioner Secretary to Government of Jammu & Kashmir, Srinagar, dated 13.05.2015 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 Sher-I-Kashmir Institute of Medical Sciences, Srinagar under Kashmir University, Srinagar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

109. Shyam Shah Medical College, Rewa – Renewal of Permission for admission of 3rd 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 Shyam Shah Medical College, Rewa – Renewal of Permission for admission of 3rd 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 (05.05.2015), assessment report (30th & 31st January, 2015) alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Madhya Pradesh dated 13.05.2015 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 60-100 of Shyam Shah Medical College, Rewa under A.P. Singh University, Madhya Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

110. Sri Bhausaheb Hire Govt. Medical College, Dhule – 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 Sri Bhausaheb Hire Govt. Medical College, Dhule – 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 (06.05.2015) along with assessment report (6th & 7th January, 2015) and noted the following:-

1. Deficiency of teaching faculty is 38.93 % as detailed in the report.
2. Shortage of Residents is 70.87 % as detailed in the report.
3. OPD: Registration counters are not computerized. Four examination rooms as required are not available for all departments. Injection room for males/females is common. Minor O.T. is not available. Plaster room & Plaster cutting room are common. Teaching areas are grossly inadequate. Deficiency remains as it is.
4. Speech Therapy is not available.
5. Casualty: Separate Casualty for O.G. is not available. Disaster trolley & Crash cart are not available.
6. O.T.: Orthopaedics department is working in General Surgery O.T.
7. ICU: MICU, SICU, RICU are not functional. Deficiency remains as it is.
8. Only 4 static X-ray machines are available against requirement of 5. Deficiency remains as it is.
9. Proper Nursing stations & Duty rooms are not available in wards. Deficiency remains as it is.
10. CSSD is not functional. Deficiency remains as it is.
11. MRD: It is manual. Deficiency remains as it is.
12. Examination hall cum Auditorium: Area available is 400 sq.m. against requirement of 500 sq.m. Deficiency remains as it is.
13. Lecture Theaters: Only 1 lecture theater is of gallery type. Lecture theater of capacity 150 is not available. Facility for E class is not available. Deficiency remains as it is.
14. Central Library: Details of area, reading rooms not provided. Only 10 Internet nodes are available. Posts of Librarian & Deputy Librarian are vacant.
15. Common Rooms for Boys & Girls are smaller than required. Attached toilet is not available in Boys' Common Room. Deficiency remains as it is.
16. Interns' Hostel: Accommodation is available only for 15 Interns against requirement of 50. Building is old & Hygiene is not maintained. Deficiency remains as it is.
17. Residents' Hostel: Accommodation is available for 16 Residents against requirement of 71. It is not properly maintained. Deficiency remains as it is.

18. Medical Superintendent's office is smaller than required. Deficiency remains as it is.
19. Anatomy department: Museum is in lobby. Only 30 lockers are available against requirement of 50.
20. Biochemistry department: There is no seminar room.
21. Microbiology department: Demonstration room is not furnished. It can accommodate only 15 students which is inadequate.
22. RHTC: It is under joint control of DHS. Distance is 41 kms. Deficiency remains as it is.
23. 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 of MBBS students against the increased intake i.e. from 50-100 of Sri Bhausaheb Hire Govt. Medical College, Dhule under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

111. Patna Medical College, Patna – 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 Patna Medical College, Patna – 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 (05.05.2015) along with assessment report (28th & 29th November, 2014) alongwith an undertaking of the Secretary Health Deptt., Govt. of Bihar, dated 13.05.2015 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 Patna Medical College, Patna under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

112. Dharbhanga Medical College, Darbhanga – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 90-100 for the academic session 2015-16.

Read: the matter with regard to Dharbhanga Medical College, Darbhanga – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 90-100 for the academic session 2015-16.

The Executive Committee of the Council considered the compliance verification assessment report (06.05.2015) along with assessment report (19th & 20th January, 2015) alongwith an undertaking of the Secretary Health Deptt., Govt. of Bihar, dated 13.05.2015 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 90-100 of Dharbhanga Medical College, Darbhanga under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

113. Late Shri Bhaliram Kashyap Memorial, NDMC Medical College, Jagdalpur – 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 Late Shri Bhaliram Kashyap Memorial, NDMC Medical College, Jagdalpur – 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 (07.05.2015), assessment report (3rd & 4th February, 2015) alongwith an undertaking of the Secretary Health, Govt. of Chhattisgarh, dated 13.05.2015 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 Late Shri Bhaliram Kashyap Memorial, NDMC Medical College, Jagdalpur under Chhattisgarh Ayush and Health Sciences University, Raipur, Chhattisgarh u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

114. Govt. Medical College, Latur – 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. Medical College, Latur – 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 (06.05.2015) along with assessment report (15th & 16th December, 2014) and representation dated 06/5/2015 received from the Dean, Govt. Medical College, Latur furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report and noted the following:-

1. Deficiency of faculty is 32.64 % as detailed in the report.
2. Shortage of Residents is 43.57 % as detailed in the report.
3. O.T.: Each O.T. has more than 1 table which is not as per norms.
4. ICUs: MICU, RICU are not available. SICU has only 4 beds against requirement of 5 and no equipment. Deficiency remains as it is.
5. Radiodiagnosis department: Only 1 mobile X-ray machine is available against requirement of 6. Only 2 static X-ray machines are available against requirement of 5. AERB approval for CT Scan is not available. Deficiency remains as it is.
6. OPD: Plaster room & Plaster cutting room are common.
7. Casualty: Defibrillator, Ventilator are not available.
8. Bed occupancy is 70.4 % on day of assessment.
9. Examination Hall cum Auditorium: Area available is 400 sq.m. against requirement of 500 sq.m. Deficiency remains as it is.
10. Lecture Theater of capacity 250 is not available. Hospital lecture theater is not furnished. Deficiency remains as it is.
11. Common rooms for Boys & Girls are not available. Deficiency remains as it is.
12. Interns' hostel is not available. Deficiency remains as it is.
13. Residents' hostel is not available. Deficiency remains as it is.
14. Speech Therapist is not available.
15. ETO Sterilizer is not available.
16. Anatomy department: Area of Dissection Hall, Museum, Histology laboratory & 2 Demonstration rooms is smaller than required. Deficiency remains as it is.
17. Physiology department: Amphibian laboratory is smaller than required. Deficiency remains as it is.
18. Biochemistry department: Demonstration room is shared with Microbiology department. Area of practical laboratory is smaller than required. Deficiency remains as it is.
19. Pathology department: Only 1 Demonstration room is available against requirement of 2. Deficiency remains as it is.

20. 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 of MBBS students against the increased intake i.e. from 100-150 of Govt. Medical College, Latur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

115. Establishment of New Medical College at Junagadh, Gujarat by Gujarat Medical Education & Research Society, Gujarat with an annual intake of 150 MBBS students under Saurashtra University, Rajkot 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 Junagadh, Gujarat by Gujarat Medical Education & Research Society, Gujarat with an annual intake of 150 MBBS students under Saurashtra University, Rajkot 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 (5th May, 2015) along with the previous assessment report (28th & 29th January, 2015) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Junagadh, Gujarat by Gujarat Medical Education & Research Society, Gujarat under Saurashtra University, Rajkot with an annual intake of 150 MBBS students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

116. 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 considered the assessment report (8th May, 2015) along with the compliance verification assessment report (9th April, 2015) and previous assessment report (6th & 7th January, 2015) and noted the following:-

1. On verification, it is observed that fake / forged experience certificates have been produced by the following faculties/residents:
 - (i) Dr. Neety Singh, SR, Deptt. of Radio-Diagnosis
 - (ii) Dr. Vikas Chand Dubey, SR, Deptt. of General Medicine
 - (iii) Dr. Vivek Asthana, SR, Deptt. of Anaesthesia
 - (iv) Dr. Pankaj Kumar, SR, Deptt. of ENT
 - (v) Dr. Mukesh Bharti, SR, Deptt. of Orthopaedics
2. Bed occupancy on previous day of assessment is 49.33 %.
3. There was only 1 Normal delivery & NIL Caesarean section on day of assessment. On previous day, there was NIL Normal delivery & NIL Caesarean section. In the month of January there were only 45 total deliveries & in the month of April there were only 38 deliveries which were inadequate.
4. Special investigations like Ba, IVP are not carried out.
5. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee decided to apply clause 8(3)(1)(d) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

“(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.

The Executive Committee of the Council further decided to return the application for establishment of a new medical college at Akbarpur, Mathura, Uttar Pradesh by Rajiv Memorial Academic Welfare Society, Uttar Pradesh under Dr. B.R Ambedkar University, Agra to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 & 2016-17 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.

The Executive Committee also decided to refer the matter to the Ethics Committee to take action against the above mentioned faculty/residents as well as the Dean of the college.

117. 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 considered the assessment report (9th May, 2015) along with the compliance verification assessment report (18th April, 2015) and previous assessment reports (22nd & 23rd January, 2015 and 31st January, 2015) and a letter/representation dated 11/05/2015 from the Principal, Haryana Institute of Medical Sciences, Kaithal and noted the following:-

1. On verification, it is observed that fake / forged experience certificates have been produced by the following faculties/residents:
 - (i) Dr. Anil Patel, Assoc.Prof., Physiology
 - (ii) Dr. Suresh Kumar Jain, SR, Orthopaedics
 - (iii) Dr. Supriya, SR, Paediatrics
 - (vi) Dr. H.S. Chattwal, SR, Paediatrics
 - (v) Dr. Ghansham Dass Goyal, SR, Paediatrics
 - (vi) Dr. Stuti Modi, SR, OBG
 - (vii) Dr. Rakesh Kumar Grover, SR, Anesthesia
 - (viii) Dr. Romesh Chand Mittal, SR, Anesthesia
 - (ix) Dr. Pankaj Kumar Srivastava, SR, Ophthalmology

2. Residential Quarters: Quarters shown for non-teaching staff are only 1 room with attached toilet which cannot be considered as quarters.
3. Central beds in the wards of General Medicine & General Surgery face each other with a partition in between leaving minimum space between the beds which is not as per Regulations.
4. There was NIL Normal delivery & 1 Caesarean section on day of assessment which is inadequate.
5. Majority of the patients admitted in SICU did not require intensive care.
6. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee decided to apply clause 8(3)(1)(d) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which read as under:-

“(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.

The Executive Committee of the Council further decided to return the application for establishment of a new medical college at Kaithal, Haryana by Dr. Puran Chand Dharmarth Trust, Gurgaon, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2015-2016 & 2016-17 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.

The Executive Committee also decided to refer the matter to the Ethics Committee to take action against the above mentioned faculty/residents as well as the Dean of the college.

118. Renewal of permission for MBBS course of 3rd batch (150 seats) of Malla Reddy Medical College for Women, Jeedimetla, Hyderabad, Andhra Pradesh 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 renewal of permission for MBBS course of 3rd batch (150 seats) of Malla Reddy Medical College for Women, Jeedimetla, Hyderabad, Andhra Pradesh 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 observed that at its meeting held on 13.01.2015 had decided as under:-

“The Executive Committee of the Council considered the Council Assessors report (16th & 17th December, 2014) and noted the following:-

1. *Deficiency of teaching faculty is 27.9 % as detailed in report.*
2. *Shortage of Residents is 99.2 % as detailed in report.*
3. *Most of the Residents of all clinical departments were absent in their respective department/ward and were not doing any treatment in OPD/O.T. They did not know the names of Head of*

Unit & other Residents. No Senior/Junior Resident has bank account details, and no hostel possession letter on faculty verification / head count.

4. So many staff members were unable to recognize their fellow staff members and their Residents. On verification, no work output data of individual faculty and Residents were available. No past attendance record was available. Most of faculty and Residents do not possess their ID cards.
5. Dr. Sagar Basnale, Asso. Prof. of Surgery cannot be considered as a teacher because of false signature in attendance sheet.
6. Dr. S. Lakshmana, Asso. Prof. of Anaesthesia cannot be considered as teacher because of false signature and being absent in morning upto 11:30 a.m.
7. Dr. G. Ashok Kumar, Senior Resident of DVL cannot be considered because of false appointment.
8. In all the wards, there was no Unitwise bed distribution. Phone numbers / Cell numbers of Consultants and Residents were not available. In most of the wards past record was not available.
9. Casualty: On verification, from 17/12/2014 to 18/12/2014 1:00 p.m., only 2 indoor admissions took place. Past record is not available. In Casualty & Emergency O.T., no emergency operation was performed during this period.
10. Indoor Admissions: Data provided by institute grossly mismatches with verification. While the institute claimed 54 admissions, during the period from 17/12/2014 to 18/12/2014 1:00 p.m., only 10 admissions could be verified (Male Surgical 1, Female Surgical 5, Male Medical 4, Female Medical 1).
11. Bed occupancy is 65 % on day of assessment.
12. From 17/12/2014 to 18/12/2014 noon, only 1 normal delivery and 1 Caesarean section were conducted. On 18/12/2014 upto 1 p.m., there was no patient in labour room.
13. O.T.: Anaesthesiologist and Sister i/c O.T. were unable to show any past record. There was no record of operations done by individual and specialitywise / monthwise and yearwise.
14. Blood Bank: Institute has claimed from 17/12/2014 to 18/12/2014 noon, only 6 units of blood were issued. On verification, there were only 2 forms available and they are without the signature and dispatching numbers and registration numbers of patients. From 17/12/2014 to 18/12/2014, no blood was issued.
15. In Pharmacy there was no record of day-to-day / monthwise issuing medicine and drugs.
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 3rd batch (150 seats) of Malla Reddy Medical College for Women, Jeedimetla, Hyderabad, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada 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/recognition for award of MBBS degree/processing the applications for postgraduate courses for two academic years i.e. that academic year(i.e. 2015-16) and the next academic year (i.e. 2016-2017).

The Committee further observed that the Central Govt. vide its communication dt. 08.05.2015 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:-

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 with Mr. Gaurav Sharma and Mr. T. Singhdev, Advocates 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 with Mr. Gaurav Shasrma and Mr. Tandoodbhav Singhdev, Advocates 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 clauses 8(3)(1)(a) & 8(3)(1)(d) 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 Government, Ministry of Health & FW not to renew the permission for admission of 3rd batch (150 seats) of Malla Reddy Medical College for Women, Jeedimetla, Hyderabad, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2015-2016. .

119. Shri Krishna Medical College, Muzaffarpur – 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 Shri Krishna Medical College, Muzaffarpur – 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 (06.05.2015) along with assessment report (20th & 21st January, 2015) and noted the following:-

1. Deficiency of faculty is 31.8 % as detailed in the report.
2. Shortage of Residents is 33.33 % as detailed in the report.
3. OPD: There is no staff for Minor O.T. Register is not maintained. Plaster room & Plaster cutting room are common.
4. Audiometry machine is available but no cases are done. Speech Therapy is not available.
5. Wards: Demonstration room, Seminar room & Departmental library are all in one room in several wards. Faculty rooms are used as Doctors' duty room. Deficiency remains as it is.
6. Average number of Major operations is only 5-6/day.
7. Casualty: There is no separate Medical Officer for Casualty. Disaster Trolley, Crash cart, Ventilator, Defibrillator are not available. Deficiency remains as it is.

8. O.T. Each O.T. has more than 1 table which is not as per norms. Monitoring & Resuscitation equipment are inadequate. Deficiency remains as it is.
9. ICU: RICU is not available. Medicine ICU & O.G. ICU are common. There was NIL patient in SICU & only 1 patient in ICCU on day of assessment.
10. ETO Sterilizer is not available. Deficiency remains as it is.
11. Lecture Theater: One lecture theater of capacity 100 is not of gallery type. E class facility is not available. There is no lecture theater in the hospital. Deficiency remains as it is.
12. Central Library: Only 73 journals are available against requirement of 100.
13. Central Photography section is not functional.
14. MRD: It is partly computerized. Statistician is not available.
15. Anatomy department: Cooling chamber 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 3rd Batch of MBBS students against the increased intake i.e. from 50-100 of Shri Krishna Medical College, Muzaffarpur under Dr. B.R. Ambedkar University, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

120. 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 considered the Compliance Verification Assessment Report (26th Feb., 2015), the previous assessment report (11th & 12th November, 2014) alongwith an undertaking of the Additional Chief Secretary, Health & Medical Education, Govt. of Haryana, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 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 2015-2016.

121. 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 considered the Compliance Verification Assessment Report (26th Feb., 2015), the previous assessment report (21st & 22nd November, 2014), letter dated 11/05/2015 from the college authorities furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an

undertaking of the Principal Secretary, Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 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.

122. 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, 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.

The Executive Committee of the Council considered the Compliance Verification Assessment Report (26th Feb., 2015), the previous assessment report (11th & 12th November, 2014) alongwith an undertaking of the Additional Chief Secretary, Health & Medical Education, Govt. of Haryana, dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 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 2015-2016.

123. 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 considered the compliance verification assessment report (09th April 2015), previous assessment report (21st & 22nd November 2014) alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 and decided to recommend to the Central Govt. to renew the permission for admission of 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.

124. 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 considered the Compliance Verification Assessment Report (17th April, 2015) alongwith the previous

assessment report (29th & 30th December, 2014) , letter dated 08/05/2015 from the Principal Secretary to Govt. Health & F.W. Department, Medical Education, Bangalore alongwith an undertaking of the Principal Secretary Health, Medical Education, Govt. of Karnataka dated 13.05.2015 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Koppal, Karnataka by Government of Karnataka under Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

125. 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 considered the Compliance Verification Assessment Report (16th April, 2015) alongwith the previous assessment report (29th & 30th December, 2014), letter dated 08/05/2015 from the Principal Secretary to Govt. Health & F.W. Department, Medical Education, Bangalore alongwith an undertaking of the Principal Secretary Health, Medical Education, Govt. of Karnataka dated 13.05.2015 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Gulbarga, Karnataka by Govt. of Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka with an annual intake of 150 students u/s 10A of the IMC Act, 1956 for the academic year 2015-16.

126. 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 considered the compliance verification assessment report (26.02.2015) along with assessment report (7th & 8th November, 2014), copy of D.O. letters dated 05.03.2015 & 08.05.2015 received from the Secretary to Govt., Health & F.W. Chennai alongwith an undertaking of the Secretary Health, Govt. of Tamilnadu, dated 13.05.2015 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 Govt. Thoothukudi Medical College, Thoothukudi under The Tamil Nadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

127. 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 considered the compliance verification assessment report (27.02.2015) along with assessment report (17th & 18th November, 2014), copy of letter dated 09.05.2015 from the Principal, North Bengal Medical College, Darjeeling alongwith an undertaking of the Principal Secretary, Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 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 North Bengal Medical College, Darjeeling under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

128. 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 considered the compliance verification assessment report (02.03.2015) along with assessment report (29th & 30th October, 2014), letter dated 05.03.2015 from the Principal, Govt. Medical College, Kozhikode alongwith an undertaking of the Secretary (Health & FW), Govt. of Kerala, dated 13.05.2015 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 200-250 of Govt. Medical College, Kozhikode under Kerala University of Health Sciences u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

129. 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 considered the compliance verification assessment report (17.03.2015) along with assessment report (28th & 29th October, 2014), copy of letter dated 9.5.2015 from the College authorities alongwith an undertaking of the Principal Secretary, Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 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 155-250 of Govt. 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.

130. 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 considered the compliance verification assessment report (23.03.2015) along with assessment report (5th & 6th December, 2014), copy of letter dated 9.5.2015 from the College authorities alongwith an undertaking of the Principal Secretary, Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 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 Burdwan Medical College, Burdwan under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

131. 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 considered the compliance verification assessment report (24.03.2015) along with assessment report (18th & 19th November, 2014) and copy of letter dated 10.5.2015 & 11.5.2015 from the College authorities alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Rajasthan, dated 13.05.2015 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 & 3rd batch of MBBS students against the increase intake i.e. from 150 to 250 of S.N. Medical College & Associated Group of Hospital, Jodhpur under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

132. 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 considered the compliance verification assessment report (08.04.2015) along with assessment report (27th & 28th October, 2014), copy of letter 8.5.2015 received from the Principal Secretary to the Health & Family Welfare Department, Medical Education, Bangalore (Karnataka) alongwith an undertaking of the Principal Secretary Health, Medical Education, Govt. of Karnataka dated 13.05.2015 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 Vijyanagar Institute of Medical Sciences, Bellary under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

133. 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 considered the compliance verification assessment report (10.04.2015) along with assessment report (13th & 14th November, 2014) alongwith an undertaking of the Additional Chief Secretary, Health & Medical Education, Govt. of Haryana, dated 13.05.2015 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 150-200 of Pt. B.D. Sharma Postgraduate Institute of Medical Sciences, Rohtak under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

134. 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 considered the compliance verification assessment reports (22.04.2015) along with assessment report (19th & 20th November, 2014) and copy of letter dated 10.5.2015 from the College authorities alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Rajasthan, dated 13.05.2015 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 & 3rd batch of MBBS students against the increase intake i.e. from 150 to 250 of Sardar Patel Medical College, Bikaner under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

135. 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 considered the compliance verification assessment report (20.04.2015), assessment report (5th & 6th December, 2014) alongwith an undertaking of the Principal Secretary, Health & Medical Education, Govt. of Jharkhand, dated 13.05.2015 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 90-150 of Rajendra Institute of Medical Sciences, Ranchi, Jharkhand under Ranchi University, Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

136. 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 considered the compliance verification assessment report (20.04.2015) along with assessment report (17th & 18th December, 2014) and copy of letter dated 10.5.2015 from the College authorities alongwith an undertaking of the Principal Secretary, Medical Education, Govt. of Madhya Pradesh dated 13.05.2015 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 140-150 of Gandhi Medical College, Bhopal under Barkatullah University, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

137. 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 considered the compliance verification assessment report (17.04.2015), assessment report (3rd & 4th February, 2015) and letter dated 11.05.2015 from the Chief Secretary, Govt. of Uttar Pradesh alongwith an undertaking of the Principal Secretary, Medical Education and training, Govt. of U.P., dated 13.05.2015 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 BRD Medical College, Gorakhpur under Deen Dayal Upadhaya Gorakhpur University, Gorakhpur u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

138. 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 considered the compliance verification assessment report (17.03.2015) along with assessment report (29th & 30th October, 2014), copy of letter dated 9.5.2015 from the College authorities furnishing the compliance report for rectification of deficiencies pointed out by the Council assessors in the Assessment report alongwith an undertaking of the Principal Secretary, Health & F.W. Deptt., Govt. of West Bengal dated 13.05.2015 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 R.G. Kar 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.

139. Increase of seats in MBBS course 150 to 200 at Govt. Medical College, Amritsar u/s 10A of the IMC Act, 1956.

Read: the matter with regard to increase of seats in MBBS course 150 to 200 at Govt. Medical College, Amritsar u/s 10A of the IMC Act, 1956.

The Executive Committee of the Council observed that at its meeting held on 20.11.2014 had decided as under:-

“The Executive Committee of the Council observed that the Essentiality Certificate issued by the State Government of Punjab is deficient and not as per the prescribed format in following respects:

<i>Point</i>	<i>Required Format</i>	<i>Format of Essentiality Certificate</i>
<i>(d)</i>	OPD Strength per day not less than 2000.	Average OPD strength per day is 1836.

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 increase in MBBS seats from 150 to 200 at Govt. Medical College, Amritsar as Qualifying criterion 3(6)(A)(ii) pertaining to minimum OPD strength per day not less than 2000 is not fulfilled.

The Committee further observed that the Central Govt. vide its communication dt. 11.05.2015 has requested the Council to review/assess with their respective recommendation in respect of the schemes and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council also perused the legal opinion of the Law Officer of the Council which reads as under:-

“My opinion is sought as regards the application of the Govt. of Punjab for increase in intake from 150 to 200 in Govt. Medical College, Amritsar. The application of the College was considered in the light of revised Essentiality Certificate submitted by the applicant in which the “average OPD strength per day is 1836” was stated. The Executive Committee vide its decision dated 29.11.2014 recommended for disapproval of the scheme as the College failed to meet the qualifying criterion 3 (6) (A) (ii) pertaining to minimum OPD strength per day not less 2000 is not fulfilled.

2. *During the course of hearing granted by the Central Government on 11.05.2015, the College has made a representation in which the Committee for Hearing has taken note of the fresh Essentiality Certificate dated 31.03.15 in which the average OPD is stated to be 2204. The Committee has also taken note of the fact that the OPD figure in MCI inspection on 22.09.14 shows that the College has adequate OPD strength. In light of this, the Committee has recommended that MCI may conduct assessment of the College for 2015-16 and send recommendation to the Ministry in time. The aforesaid letter of the Central Government has been received on 11.05.15.*

3. *The file has been referred against the above factual matrix for my opinion. In this regard, it is to be noted that the responsibility of issuing the Essentiality Certificate with correct figures based upon the data provided by the Government Medical College is upon the State Government. The Essentiality Certificate submitted with the application was not in format as prescribed in the Regulations. Subsequently, a revised Essentiality Certificate was submitted in which the OPD strength is found to be less than prescribed strength of 2000 patients per day. The Executive Committee has recommended on this basis for disapproval. On hearing on 08.05.15, the College produces fresh Essentiality Certificate dated 31.03.15, issued by the State Government in which the OPD strength is stated to be 2204. The College has also placed reliance on Assessment Report dated 20.09.14 of MCI in which OPD strength on the day of assessment is stated to be 2514, i.e., on 20.09.14.*

4. The requirement of Regulations is that complete application with correct Essentiality Certificate; Consent of Application from the affiliating University is submitted within the prescribed time-schedule of 31st August of that year to the Central Government. In this case, an opportunity to submit Essentiality Certificate as per the format had been granted and thereafter the Certificate that is submitted was deficient in terms of OPD strength. The reliance placed on OPD strength in MCI assessment of 20.09.14 cannot be of aid in the consideration of application as the application is processed on the strength of Essentiality Certificate issued by the State Government. Therefore, the recommendation of the Committee to conduct assessment of the College for 2015-16 and send recommendation to the Ministry in time cannot be considered in view of the strict adherence to time-schedule laid down in the Regulations. The last date for making recommendation by the MCI to the Central Government is 15 May and at this belated stage it would not be possible for the Council to proceed to conduct assessment as sought for by the Central Government.

5. Furthermore, the time schedule laid down in the Regulations have been held to be mandatory and binding upon all authorities by the Hon'ble Supreme Court in *Mridul Dhar vs. Union of India* (2005) 2 SCC 65 and *Priya Gupta Vs. State of Chhattisgarh* (2012) 7 SCC 43. Both these judgments emphasize upon the strict adherence to the statutory time schedule for consideration, grant of permission and for admission to various MBBS, BDS and postgraduate courses. Hence, in my considered opinion view of the binding dicta laid down by the aforesaid judgment the assessment at this belated stage cannot be conducted."

In view of above, the Executive Committee of the Council decided to accept the legal opinion of Law Officer of the Council and reiterate its earlier decision to return the application to the Central Government recommending disapproval of the scheme for increase in MBBS seats from 150 to 200 at Govt. Medical College, Amritsar as Qualifying criterion 3(6)(A)(ii) pertaining to minimum OPD strength per day not less than 2000 is not fulfilled.

140. Increase of seats in MBBS course from 150-250 for the academic session 2015-16 at Sree Balaji Medical College & Hospital, Chennai.

Read: the matter with regard to increase of seats in MBBS course from 150-250 for the academic session 2015-16 at Sree Balaji Medical College & Hospital, Chennai.

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 (29th & 30th October, 2014) alongwith copy of Hon'ble Supreme Court order dated 17.11.2014 in IA No.3/2014 in CA No. 6564/2014- MCI Vs. Sree Balaji Medical College & Hospital, Chennai and a letter dated 26.11.2014 received from Dean, Sree Balaji Medical College & Hospital, Chennai and **decided to recommend to the Central Govt. to issue Renewal of Permission for admission of 3rd batch for increase of seats in MBBS course from 100 to 150** at Sree Balaji Medical College & Hospital, Chennai under Bharath University, Chennai for the academic year 2015-16 u/s 10A of the Indian Medical Council Act,1956.*

The Executive Committee of the Council further decided that since Sree Balaji Medical College & Hospital, Chennai is not yet recognized for 150

admissions, it is not eligible for further increase from 150 to 250 as per their earlier decision dated 14.03.2014.”

The Committee further observed that the Central Govt. vide its communication dt. 11.05.2015 has requested the Council to review/assess with their respective recommendation in respect of the schemes and furnish its recommendations accordingly to the Ministry.

The Executive Committee of the Council also perused the legal opinion of the Law Officer of the Council which reads as under:-

“The file of Shree Balaji Medical College & Hospital, Chennai has been placed for my opinion in the light of submission made by the College before the Committee on Hearing constituted by the Central Government that the “only requirement in Regulation is that the qualification should be recognized which the College fulfils. There are directions of the Hon’ble Supreme Court in the matter of this College whereby directions are issued to MCI to take appropriate decision on the basis of the report of the inspection and other relevant facts. MCI has conducted inspection for increase of seats from 150 to 250 on 30.10.14.” The Central Government has asked that the Council should review the matter in the light of the provisions contained in the Regulations and Supreme Court directions.

2. *It may be recalled that in C.A. No. 6564/2014, arising Out of SLP (C) No. 15867/2014- Medical Council of India Vs. Shree Balaji Medical College and Hospital &Ors. an application bearing I.A. No. 3/2014, was drafted and filed on behalf of the Council for modification / clarification of order dated 18.07.2014 passed by the Hon’ble Court in the present matter. It was submitted on behalf of MCI, that the respondent medical college is not eligible for further increase of MBBS seats, i.e. from 150 to 250, as the respondent medical college is not yet recognised in respect of existing 150 MBBS seats. It was further submitted that a medical college can only be eligible for increase of intake capacity, once its existing intake capacity is recognised. The decision of the Executive Committee of the Council dated 14.03.2014 was also placed on record wherein the decision was taken that no college will be considered for further increase of seats unless it is recognized for the existing number of seats.*

3. *The Ld. Sr. Advocate appearing for respondent medical college opposed the application on the ground that the only eligibility criteria is that the medical college should be recognized and in the present case the respondent medical college is recognized for 100 seats. The Hon’ble Court after hearing the counsels for the parties observed that the only direction in the order dated 18.07.2014 was to consider the application of the respondent medical college and inspect the college before 31.10.2014, which was modified to 15.11.2014. There was no direction to grant permission, therefore it is open for MCI to pass order in accordance to law and hence no clarification is needed.*

4. *The decision of the Executive Committee of the Council dated 16.12.2014 is clear to the effect that the decision was passed after considering the directions of the Hon’ble Apex Court. The Executive Committee had recommended that “since Sree Balaji Medical College & Hospital, Chennai is not yet recognized for 150 admissions, it is not eligible for further increase from 150 to 250 as per their earlier decision dated 14.03.14.”*

5. The above decision of Executive Committee is loud and clear to the effect that application for further increase can be considered only once all the seats of MBBS are recognized in a College. In view of the above, it would be appropriate to reiterate the earlier decision, stating if deemed appropriate that the directions passed by the Hon'ble Supreme Court has been faithfully abided by the Council and only once the 150 seats of the College are recognized the College is entitled for further consideration of its application, provided it fulfils other criteria also laid down in the Regulations."

The Executive Committee further noted the Hon'ble Supreme Court order dated 04.07.2012 in SLP (C) No. 28996 of 2011, the operative part of which reads as under:-

".....For the reasons aforesaid, we are unable to agree with the reasoning of either the learned Single Judge or the Division Bench of the High Court in arriving at the finding that once permission had been granted under Section 10A of the Act, it would amount to grant of recognition and, thereafter, the medical college/institution, was free to enhance the number of seats without the permission either of the Council or the Central Govt.

We, therefore, have no hesitation in setting aside the judgements, both of the learned Single Judge as also that of the Division Bench of the High Court, and the directions given to increase the number of seats from 100 to 150 in the MBBS course run by the writ petitioners. Since the 2000 Regulations provide for a newly-established medical college/institution to seek permission each year to continue with the MBBS course till the first batch of the students graduated, in our view, the position is quite clear that the recognition referred to in Sections 10B and 11 of the 1956 Act would have to relate to the grant of recognition to a medical institution under Section 11 for the purpose of recognition of its qualifications as a medical degree, which would entitle the holder thereof to practice medicine.

Consequently, upon setting aside the judgements of the learned Single Judge and the Division Bench and the directions contained therein, we also make it clear that this will not prevent the medical colleges/institutions from applying for increase in the number of students, provided such application fulfils the conditions and criteria of Section 10A and the Regulations framed thereunder by the Medical Council of India.

The appeals arising out of SLP (C) Nos. 28996 and 30332 of 2011, preferred by the Medical Council of India and the appeal arising out of SLP (C) No. 30338 of 2011, preferred by the Board of Governors, against the judgement and order dated 13th October, 2011, passed by the Delhi High Court in Letters Patent Appeal Nos. 820, 819 and 816 of 2011 respectively, along with the appeal arising out of SLP (C) No. 3732 of 2012, preferred by the Medical Council of India against the judgement and order dated 14th November, 2011, passed by the Punjab and Haryana High Court in Civil Writ Petition No. 16235 of 2011, are allowed. The impugned judgements and orders passed by the Delhi High Court, as also the Punjab and Haryana High Court, are set aside.

Consequently, Writ Petition (C) No. 457 of 2011, filed by the School of Medical Sciences & Research, Sharda University; Writ Petition (c) No. 458 of 2011 filed by Teerthanker Mahaveer Institute of Management & Technology Society, Moradabad; and Writ Petition (C) No. 489 of 2011, filed by Dashmesh Educational Charitable Trust, are dismissed, as the reliefs prayed for therein are in direct conflict with the provisions of Section 10A of the 1956 Act and Regulation 8(3) of the 1999 Regulations".....

In view of above, the Executive Committee of the Council decided to accept the legal opinion of the Law Officer of the Council and reiterated its

earlier decision that since Sree Balaji Medical College & Hospital, Chennai is not yet recognized for 150 admissions, it is not eligible for further increase from 150 to 250.

141. Admission of MBBS student at GMERS Medical College, Nanakwada, Valsad, Gujarat for the Academic Year 2014-15 – Regarding.

Read: the matter with regard to admission of MBBS student at GMERS Medical College, Nanakwada, Valsad, Gujarat for the Academic Year 2014-15.

The Executive Committee of the Council noted that ***Gohel Ujjwal Pankaj Kumar had been admitted below the age of 17 years (DOB: 06/02/1998) at GMERS Medical College, Valsad, Gujarat***

The Committee also noted the letter of the Dean, GMERS Medical College, Valsad, Gujarat dated 18/02/2015 stating that the candidate's terms started on 06/02/2015 and he will be allowed to appear in university exam after completion of his two academic terms.

The Committee further noted the legal opinion of the Law Officer which reads as under:-

"My opinion has been sought as regards the admission of a candidate in GMERS Medical College, Nanakwada, Valsad for the Academic Year 2014-15. The issue is that one candidate, namely, Shri Gohel Ujjwal Pankaj has been admitted below the age of 17 years. The College Authorities have vide their letter dated 18.02.15 informed that his term has started from 06.02.2015. In this regard the College Authorities have submitted the admission order dated 12.07.2014 wherein it is stated that "Being an underaged student your academic term in the concerned institute shall start according to admission rule 6 A (2)." Rule 6A (2) that is annexed with the letter reads as under:-

A candidate shall have completed 17 years of age on the 31st December of the Academic Year for which the admissions are being conducted:

Provided that in case of under age candidate, he/she may be granted admission at the time of counseling but his/her term in the concerned Professional Education College or Institution shall commence after completion of age of 17 years.

In view of this Council vide letter dated 06/01/2015 has sought clarification from the college authorities has requested that he may be allowed to continue his study.

It is pertinent to note that Clause 4(1) of the Graduate Medical Education Regulations, 1997 lays down the eligibility criteria in-terms of age of admission for MBBS course. The said criteria is as under:-

(1) He/she shall complete the age of 17 years on or before 31st December of the year of admission to the MBBS Course.

The requirement of Regulation is that the candidate should complete the age of 17 years on or before 31st December of the year of admission to the MBBS Course.

The Academic Session for the Academic Year 2014-15 for MBBS started in accordance with order dated 19.05.2014 of the Hon'ble Supreme Court in WP (C) No. 737 of 2013 – Lipika Gupta and Anr. V/s Union of India & Ors. from 01.09.2014. The above student in accordance with GMER, 1997 was required to complete his 17 years of age on 31.12.2014. The facts as stated in the letter of College Authority show that he has completed his age of 17 years only after 31st December 2014 and therefore, his term has been started from 06.02.2015. This is contrary to the above-cited provisions GMER and is not permissible. Hence, the State Govt. should be advised to amend its admission rule and a discharge order in respect of Sh. Gohel Ujjwal Pankaj Kumar would require to be issued”.

In view of above, the Executive Committee of the Council decided to direct the Institute to discharge Sh. Gohel Ujjwal Pankaj Kumar who has been admitted in contravention to clause 4(i) of the Graduate Medical Education Regulations, 1997 with immediate effect.

142. **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 observed that at its meeting dated 29.04.2015, it had decided as under:-

“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.”

The Committee perused the letter dated 08.05.2015 of the Central Government, Ministry of Health & F.W., received in the council office on 12.05.2015 which is reproduced as under:

“I am directed to refer to your recommendations thereby recommending to the Central Government not to renew the permission for admission at the following Medical Colleges/Institutions for the academic year 2015-16 due to certain deficiencies. As per Section 10(A)(4), an opportunity of

personal hearing was granted to the college in the matter. The College authority appeared before the Committee and submitted their oral and written submission. After hearing to the college authority, the committee has recommended as below: -

Sl. No.	College name	Committee recommendations
1.	Hamdard Institute of Medical Sciences & Research, New Delhi	An undertaking may be obtained from the college. Recommended for approval.

3. After considering recommendations of MCI and Hearing Committee, the Ministry has decided that the MCI may be asked for compliance verification.

4. In view of above, MCI is requested to send revised recommendation after compliance verification. "

The said letter of the central Government was also marked to the institution. In response to the said letter Registrar, Jamia Hamdard University, New Delhi had submitted its representation vide dated 12.05.2015 which is as under.

"I, Dr. Shridhar Dwivedi working as Dean/Principal Hamdard Institute of Medical Sciences & Research, Jamia Hamdard (Deemed University), Hamdard Nagar, New Delhi – 110062, do hereby undertake and solemnly affirm as under:

- 1. That the Executant being a Dean/Principal of Hamdard Institute of Medical Science & Research is competent to give this undertaking in response to letter no. U-12012/6/2015-ME(P-II) dated 07.05.2015 issued by the Govt. of India, Ministry of Health & Family Welfare.
- 2. That all the deficiencies as pointed out in the inspection report of the Institute held on 12.11.2014 and subsequently on 12.02.2015 regarding faculties, residents, SRs/JRs and pertaining to the occupancy have been complied with.
- 3. That I further undertake that the Institute shall comply with all the directions, guidelines, issued by the MCI from time to time."

The Committee further observed that Council had already conducted compliance verification assessment on 12/13th February 2015 and the report was considered by the committee at its meeting held on 29.04.2015 wherein in view of persistent deficiencies it was decided to recommend to central government 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.This decision has been communicated to the Central Government vide letter dt. 11.05.2015.

In view of above the Executive Committee of the Council decided to reiterate its earlier decision recommending 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.

143. Renewal of permission for MBBS course for 5th batch of 100 seats of Career Institute of Medical Sciences & Hospital, Lucknow under Dr. Ram Manohar Lohia Avadh University, Faizabad 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 Career Institute of Medical Sciences & Hospital, Lucknow under Dr. Ram Manohar Lohia Avadh University, Faizabad 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 held on 27.03.2015 had decided as under:-

"The Executive Committee of the Council observed that at its meeting dt. 16/12/2014, it was decided as under

"The Executive Committee of the Council considered the Council Assessors report (11th & 12th November 2014) and noted the following:-

1. *Shortage of Residents is 29 % as detailed in the report.*
2. *Bed occupancy is 60 % on day of assessment. There was discrepancy in the ward register & actual number of patients in female Surgical ward. The register showed 21 patients while only 5 could be verified.*
3. *OPD attendance was 680 till 2:30 p.m. on day of assessment*
Lecture Theaters: Facility for E class is not available.
4. *Residential quarters: Only 18 quarters are available for teaching faculty against requirement of 23 as per norms.*
5. *OPD: 4 examination rooms are not available for all the departments.*
6. *Separate dressing rooms for male/female patients are not available.*
7. *There were only 9 major operations on day of assessment.*
8. *There was only 1 normal delivery & NIL Caesarean section on day of assessment.*
9. *Radiological investigations: Daily average of special investigations like Ba, IVP is NIL.*
10. *Daily average Histopathological workload is only 4 which is grossly inadequate. On day of assessment, it was only 3.*
11. *Casualty: Resuscitation equipment like Pulse Oxymeter, Crash cart, Ventilator are not available.*
12. *Only 2 mobile X-ray machines are available against requirement of 3 as per Regulations.*
13. *ETO sterilizer is not available.*
14. *Faculty list was not provided by the college till 12:15 p.m. D.F. of faculty & Residents who were not present in the morning were included by the college.*
15. *Adequate staff offices are not provided in the departments.*
16. *Play field is an open undeveloped plot. which cannot be considered.*
17. *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 (100 seats) of Career Institute of Medical Sciences & Hospital, Lucknow under Dr. Ram Manohar Lohia Avadh University, Faizabad 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.”

In this regards, the Ministry has forwarded the recommendations of the Committee constituted by the Ministry in the matter , which is as under:-

“Recommended for review by MCI”

The Central Govt. 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 immediately latest by 15.04.2015, if nothing is heard by Council then it will be presumed that the MCI has no further comments to offer in the matter.

It was 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 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 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(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 with Mr. Gaurav Sharma and Mr. T. Singhdev, Advocates 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)(b) 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 Govt. not to renew the permission for admission of 5th batch (100 seats) of Career Institute of Medical Sciences & Hospital, Lucknow under Dr. Ram Manohar Lohia Avadh University, Faizabad u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.”

The Committee further noted the DO letter from the Joint Secretary, Ministry of Health & F.W., dated 12.05.2015 to reconsider the matter through necessary compliance verification of the deficiencies found by the Assessors of the Council and was of the view that in respect of interpretation of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 an opinion was sought from the Ld. ASG, Govt. of India and accordingly the interpretation as provided in the opinion was applied in the cases of all such similarly placed institutions. There is no requirement of taking specific opinion regarding the interpretation of statutory regulation of the Council in the present case since the Council has invoked Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 on the ground of deficiency of resident and bed occupancy the applicant college cannot be considered for renewal of permission for the present academic year.

In view of the legal opinion of Ld. Additional solicitor General of India dt. 14.03.2015 already mentioned in the earlier decision of the committee dt. 27.03.2015 cited above 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 (100 seats) of Career Institute of Medical Sciences & Hospital, Lucknow under Dr. Ram Manohar Lohia Avadh University, Faizabad u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

144. 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 held on 29.04.2015 had decided as under:-

“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		
		Require d	Availabl e	Shortag e
1	General	90	70	20

	Surgery			
	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".

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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."

The Committee further noted the DO letter from the Joint Secretary, Ministry of Health & F.W., dated 12.05.2015 for verification inspection of the compliance submitted by the college/NCT of Delhi.

In view of the legal opinion of Ld. Additional solicitor General of India already mentioned in the earlier decision of the committee dt. 29.04.2015 cited above and upon application of qualifying criterion u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 above, 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.

The meeting ended with a vote of thanks to the Chair.

- The minutes were read out and confirmed in the meeting itself and the office was directed to send the communications pertaining to Section 10A to the Central Government immediately within the time limit prescribed under the Regulations.

New Delhi, dated
13th May, 2015

(Dr. Reena Nayyar)
Secretary I/c

APPROVED

(Dr. Jayshree Mehta)
President

