

No.MCI-4(3)/2016-Med./

MEDICAL COUNCIL OF INDIA

POSTGRADUATE MEDICAL EDUCATION COMMITTEE

Minutes of the Postgraduate Medical Education Committee meeting held on 1st July, 2016 at 03:00 P.M. in the Office of the Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi.

Present:

1.	Dr. S.B. Siwach	Chairman, Former Director, Pandit B D Sharma PGI, Rohtak, Haryana
2.	Dr. Deelip Govindrao Mhaisekar	Professor & HoD, Dr. Shankarrao Chavan Govt. Medical College, Vazirabad, Dist. Nanded, Maharashtra
3.	Dr. Raja Babu Panwar	Vice-Chancellor, Rajasthan University of Health Sciences, Jaipur
4.	Dr. (Mrs.) Rani Bhaskaran	President, Travancore-Cochin Medical Council, Thiruvananthapuram
5.	Dr. Silvano CA Dias Sapeco	Professor Emeritus and Head, Department of Forensic Medicine, Sri Kamakshi Devi Medical College, Shiroda (Goa)
6.	Dr. Vora Nitin Sumanchandra	Dean, GMERS Medical College Sola, Near New Gujarat High Court, Sola, S.G. Highway, Ahmedabad, Gujarat-380061

Dr. Reena Nayyar – Secretary I/c

The Chairman welcomed the members of the Postgraduate Medical Education Committee.

Leave of absence was received from Dr. Datteswar Hota, Member; Prof. (Dr.) Dhruva Jyoti Borah, Member and Dr. K S Sharma, Member.

1. Minutes of the last meeting of the Postgraduate Medical Education Committee – confirmation of.

The Postgraduate Medical Education Committee noted that the minutes of Postgraduate Medical Education Committee meeting held on 24th May, 2016; 3rd June, 2016 and 17th June, 2016 are under approval of the Oversight Committee.

2. Minutes of the last meeting of the Postgraduate Medical Education Committee – action taken thereon.

Action will be taken on receipt of approval of the Minutes from the Oversight Committee.

3. Utkal University, Orissa - Recognition of DM(Neurology) qualification for 02 seats in respect of students being trained at SCB Medical College, Cuttack.

Read: the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 31/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Neurology) qualification for 02 seats at SCB Medical College, Cuttack granted by Utkal University, Orissa.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 31/03/2016 submitted by the college authorities and decided to recommend not to recognize DM(Neurology) qualification for 02 seats granted by Utkal University, Orissa in respect of students being trained at SCB Medical College, Cuttack because of the following facts:-

1. Dr. Shivani Rath, Senior Resident does not have 3 years experience in the department of Neurology in medical college; hence not qualified to hold the post.
2. Equipment like Polysomnography, Single fiber EMG are still not available.
3. Dr. Geeta Mohanty has been re-employed but no joining report. She was absent on inspection day.
4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

4. West Bengal University of Health Sciences, Kolkata - Recognition of DM(Endocrinology) qualification against increased intake from 02 to 06 seats in respect of students being trained at Institute of Postgraduate Medical Education & Research, Kolkata.

Read: the Compliance Verification Assessment Report (19/05/2016) along with the Council Assessor's Report (July, 2013) and compliance dated 18/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Endocrinology) qualification against increased intake from 02 to 06 seats at Institute of Postgraduate Medical Education & Research, Kolkata granted by West Bengal University of Health Sciences, Kolkata.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (19/05/2016) along with the Council Assessor's Report (July, 2013) and compliance dated 18/03/2016 submitted by the college authorities and decided to recommend not to recognize DM(Endocrinology) qualification against increased intake from 02 to 06 seats granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Institute of Postgraduate Medical Education & Research, Kolkata because of the following facts:-

1. There are 2 Units. In Unit I, Dr. Bibek Roychaudhary has been shown as "Resident" & not as "Senior Resident"; in Unit II Dr. A. Singha has been shown as "RMO cum Clinical Tutor"; hence there is no Senior Resident in any Unit.
2. Dr. Sujoy Ghosh, Assoc. Professor, Unit-II was promoted on 09/12/2014 after the cut-off date without any publications, which is not as per Regulations.
3. Date of birth and date of passing DM is not given in faculty table about any faculty member.
4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 2 to 6 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

5. Dr. NTR University of Health Sciences, Vijayawada, A.P. - Renewal of recognition of DGO qualification for 01 seat in respect of students being trained at Deccan College of Medical Sciences, Hyderabad.

Read: the Compliance Verification Assessment Report (18/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 30/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of DGO qualification for 01 seat at Deccan College of Medical Sciences, Hyderabad granted by Dr. NTR University of Health Sciences, Vijayawada, A.P..

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (18/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 30/03/2016 submitted by the college authorities and decided to recommend not to renew the recognition of DGO qualification for 01 seat granted by Dr. NTR University of Health Sciences, Vijayawada, A.P. in respect of students being trained at Deccan College of Medical Sciences, Hyderabad because of the following facts:-

1. Dr. Anjoom Kakshan, Assoc. Professor, Unit-III promoted on 27/10/2015 after the cut-off date. There are no publications. Hence, her promotion is not as per Regulations. Unit-III left with 2 Faculty only and it cannot be considered PG Unit.
2. Dr. A. Shanti Sri, Professor, Unit-II promoted on 05/11/2015 after the cut-off date without any publications. Hence, her promotion is not as per Regulations.
3. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

6. Kerala University of Health Sciences, Thrissur/ Kerala University - Recognition of MD/MS(OBG) qualification for 1 seat and DGO qualification for 2 seats in respect of students being trained at Malankara Orthodox Syrian Church Medical College, Kolenchery, Kerala.

Read: the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 29/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD/MS(OBG) qualification for 1 seat and DGO qualification for 2 seats at Malankara Orthodox Syrian Church Medical College, Kolenchery, Kerala granted by Kerala University of Health Sciences, Thrissur/ Kerala University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 29/03/2016 submitted by the college authorities and decided to recommend to the Central Government that MD/MS(OBG) qualification for 1 seat and DGO qualification for 2 seats granted by Kerala University of Health Sciences, Thrissur/ Kerala University in respect of students being trained at Malankara Orthodox Syrian Church Medical College, Kolenchery, Kerala be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

7. **Kerala University of Health Sciences, Thrissur - Recognition of MD(Radiodiagnosis) qualification for 1 seat in respect of students being trained at Academy of Medical Sciences,Pariyaram, Kannur.**

Read: the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 31/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radiodiagnosis) qualification for 1 seat at Academy of Medical Sciences,Pariyaram, Kannur granted by Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 31/03/2016 submitted by the college authorities and decided to recommend not to recognize MD(Radiodiagnosis) qualification for 1 seat granted by Kerala University of Health Sciences, Thrissur in respect of students being trained at Academy of Medical Sciences,Pariyaram, Kannur because of the following facts:-

1. Two Professors are shown; however one of them Dr. K. Holla reported after 3 p.m. & was not present at time of physical verification. Dr. Mahesh, 2nd Professor, reported after 1 p.m. after physical verification; hence both of them cannot be considered.
2. There is no Asso. Prof. or Asst. Prof. available.
3. Dr. Sneha Mathew, Senior Resident, does not possess 3 years experience as Resident prior to appointment as Senior Resident; hence not qualified to hold the post; Resultantly, shortage of Senior Resident: 1.
4. 800 mA X-ray machine is not yet functional.
5. CT Scan is not in working order since 1 week before day of assessment.
6. Mammography is not fully functional.
7. MRI machine is out of order. New one is not yet installed.
8. No regular academic schedule is available as per records.
9. Mohd. Sayeem has been shown as Senior Resident in Designation column and Junior Resident in Experience column.
10. Other deficiencies as pointed out in the Assessment Report.

The Postgraduate Medical Education Committee further decided to recommend to stop admission in MD (Radio-Diagnosis) qualification henceforth.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

8. **B.N. Mandal University, Bihar - Renewal of recognition of MD(Anaesthesia) qualification and Diploma in Anaesthesia qualifications for 2 seats each in respect of students being trained at Kathiar Medical College, Kathiar.**

Read: the Compliance Verification Assessment Report (21/05/2016) along with the Council Assessor's Report (September, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Anaesthesia) qualification and Diploma in Anaesthesia qualifications for 2 seats each at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (21/05/2016) along with the Council Assessor's Report (September, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MD(Anaesthesia) qualification and Diploma in Anaesthesia qualifications for 2 seats each granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

9. **Rajiv Gandhi University of Health Sciences, Bangalore - Recognition of MD(Radio Diagnosis) qualification for 02 seats in respect of students being trained at SDM College of Medical Sciences & Hospital, Dharwad, Karnataka.**

Read: the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 24/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radio Diagnosis) qualification for 02 seats at SDM College of Medical Sciences & Hospital, Dharwad, Karnataka granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 24/03/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Radio Diagnosis) qualification for 02 seats granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at SDM College of Medical Sciences & Hospital, Dharwad, Karnataka be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

10. **Kerala University of Health Sciences, Thrissur - Recognition of D.Ortho qualification for 1 seat in respect of students being trained at Academy of Medical Sciences, Pariyaram, Kannur.**

Read: the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 30/03/2016 submitted

by the college authorities on the standard of examination and other teaching facilities for Recognition of D.Ortho qualification for 1 seat at Academy of Medical Sciences, Pariyaram, Kannur granted by Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 30/03/2016 submitted by the college authorities and decided to recommend not to recognize D.Ortho qualification for 1 seat granted by Kerala University of Health Sciences, Thrissur in respect of students being trained at Academy of Medical Sciences, Pariyaram, Kannur because of the following facts:-

1. As shown in faculty table, Dr. K.R. Sandeep, Senior Resident in Unit II has experience of only 2 years 11 months as Resident against requirement of 3 years; hence not qualified to hold the post. He is shown Senior Resident in the column of Designation but Junior Resident in the column of Experience.
2. Bed occupancy was 50% on day of assessment.
3. There were only 2 Major operations on day of assessment.
4. There were NIL Daycare operations on day of assessment.
5. Although number of patients in OPD & IPD have increased in 2015, they are still significantly lesser than those in 2012.
6. MRI was out of order on day of assessment.
7. Specialty clinics like Hand clinic, Arthroscopy clinic are not taken & there are no entries in the register.
8. Equipment like EMG, Nerve Conduction Study are not available in the department.
9. Dr. Subraya Bhatt, Assoc. Professor was absent on the day of Assessment.
10. Dr. Anoop J Mattan was absent on the day of Assessment.
11. Dr. Riaz N.N., Assoc. Professor, Unit-I promoted on 01/07/2015 after the cut-off date without any publications, which is not as per Regulations.
12. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

11. Utkal University, Orissa - Recognition of MS(General Surgery) qualification for 04 seats in respect of students being trained at Hi-Tech Medical College & Hospital, Bhubaneswar.

Read: the Compliance Verification Assessment Report (16/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 05/04/2016 submitted

by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(General Surgery) qualification for 04 seats at Hi-Tech Medical College & Hospital, Bhubaneswar granted by Utkal University, Orissa.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (16/05/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 05/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MS(General Surgery) qualification for 04 seats granted by Utkal University, Orissa in respect of students being trained at Hi-Tech Medical College & Hospital, Bhubaneswar be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

12. B.N. Mandal University, Bihar - Renewal of recognition of MD(Pathology) qualification and Diploma in Clinical Pathology qualification for 1 seat each in respect of students being trained at Kathiar Medical College, Kathiar.

Read: the Compliance Verification Assessment Report (25-26/05/2016) along with the Council Assessor's Report (September, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Pathology) qualification and Diploma in Clinical Pathology qualification for 1 seat each at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (25-26/05/2016) along with the Council Assessor's Report (September, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MD(Pathology) qualification and Diploma in Clinical Pathology qualification for 1 seat each granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

13. King George's Medical University, U.P. Lucknow (Deemed University) - Recognition of DGO(Diploma in OBG) qualification against increased intake from 4 to 9 seats in respect of students being trained at King George's Medical University, U.P. Lucknow.

Read: the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 02/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DGO(Diploma in OBG) qualification against increased intake from 4 to 9 seats at King George's Medical University, U.P. Lucknow granted by King George's Medical University, U.P. Lucknow (Deemed University).

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (23/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 02/04/2016 submitted by the college authorities and decided to recommend not to recognize DGO(Diploma in OBG) qualification against increased intake from 4 to 9 seats granted by King George's Medical University, U.P. Lucknow (Deemed University) in respect of students being trained at King George's Medical University, U.P. Lucknow because of the following facts:-

1. Promotion of Dr. Anjoo Agarwal as Asso. Prof. is not as per Regulations. She has been promoted as Asso. Prof. with experience of only 4 years as Asst. Prof. against requirement of 5 years. She has only one publication against the requirement of 2.
2. Promotion of Dr. Nisha as Asso. Prof. is not as per Regulations. She has been promoted as Asso. Prof. with experience of only 4 years as Asst. Prof. against requirement of 5 years. She has no publications to her credit.
3. Casualty has 17 beds against requirement of 30 beds. There is no bed allocated for O.G. in Casualty.
4. Academic parameters like Journal Clubs (01 in no.), Case Presentations (08 in no.), Group Discussions (01 in no.) are inadequate. Most of the activities mentioned by the institute are of other departments. Attendance of PG students is very low – between 26 – 44%.
5. Deficiency 1 stays. Total number of Minor Operations has further decreased in 2015 and 2016.
6. No Senior Resident present in Unit-III.
7. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 4 to 9 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

14. Ranchi University - Recognition of MD(Microbiology) qualification against increased intake from 05 to 06 seats in respect of students being trained at Rajendra Institute of Medical Sciences, Ranchi.

Read: the Compliance Verification Assessment Report (19/05/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 19/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Microbiology) qualification against increased intake from 05 to 06 seats at Rajendra Institute of Medical Sciences, Ranchi granted by Ranchi University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (19/05/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 19/03/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Microbiology) qualification against increased intake from 05 to 06 seats granted by Ranchi University in respect of students being trained at Rajendra Institute of Medical Sciences, Ranchi be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

15. Tribhuvan University - Recognition of MS(Ophthalmology) qualification against incresed intake from 06 to 08 seats in respect of students being trained at Institute of Medicine, Kathmandu.

Read: the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (October,2013) and compliance dated 14/02/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(Ophthalmology) qualification against incresed intake from 06 to 08 seats at Institute of Medicine, Kathmandu granted by Tribhuvan University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (October,2013) and compliance dated 14/02/2016 submitted by the college authorities and decided to recommend not to recognize MS(Ophthalmology) qualification against incresed intake from 06 to 08 seats granted by Tribhuvan University in respect of students being trained at Institute of Medicine, Kathmandu because of the following facts:-

1. Total bed strength is 46 in 2 Units which is less than 30 beds required for a PG Unit.
2. There is no Senior Resident in both Units.
3. Bed Occupancy 70% only.
4. Dr. Anand K. Sharma was promoted Professor in 2015 after the cut-off date without any publications.
5. Promotion of Dr. Meenu Choudhary, Assoc. Professor is not as per Regulations. She was Asst. Professor for 4 years without any publications.
6. Promotion of Dr. Jyoti Baba Shreshtha, Assoc. Professor is not as per Regulations. She was Teaching Assistant for 4 years not Asst. Professor, which cannot be counted.
7. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 6 to 8 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

“This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject.”

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

Note: The Postgraduate Medical Education Committee decided to seek legal opinion on the issue that most of the faculty has passed MD from their own institute and we have no reciprocal recognition with Nepal.

16. **Baba Farid University of Health Sciences, Faridkot - Recognition of MD(Pathology) qualification against increased intake from 02 to 03 seats in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar.**

Read: the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor’s Report (August, 2015) and compliance dated 04/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Pathology) qualification against increased intake from 02 to 03 seats at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar granted by Baba Farid University of Health Sciences, Faridkot.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor’s Report (August, 2015) and compliance dated 04/04/2016 submitted by the college authorities and decided to recommend not to recognize MD(Pathology) qualification against increased intake from 02 to 03 seats granted by Baba Farid University of Health Sciences, Faridkot in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar because of the following facts:-

- 1. The teaching experience of the following faculty has been altered with retrospective effect in the present assessment from what has been shown earlier:

#	Name of Faculty	Experience Shown as Asst. Prof.			
		Present Assessment		Earlier Assessment	
		From	To	From	To
1	Dr. Menka Khanna	27/01/2006	27/01/2011	27/01/2006	19/02/2010
2	Dr. Sanjay Piplani	24/02/2007	24/02/2012	24/02/2007	14/09/2011
3	Dr. Manisha Sharma	30/05/2008	31/05/2013	30/05/2008	31/05/2012
4	Dr. Harjit Kaur	30/05/2008	31/05/2013	30/05/2008	05/07/2012

Note: The Committee decided to obtain copies of appointment, promotion orders and Joining reports of the above mentioned faculty.

- 2. Correspondingly, their dates of promotion as Assoc. Prof. has also been altered retrospectively.
- 3. Pathological post-mortems are not performed. Contention of the institute that it has no permission to conduct post-mortems is not correct as it is for medico-legal post-mortems & not for Pathological post-mortems.
- 4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 2 to 3 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

17. Kerala University of Health Sciences, Thrissur/ Kerala University - Recognition of DM(Gastroenterology) qualification against increased intake from 01 to 04 seats in respect of students being trained at Govt. Medical College, Kozhikode, Calicut, Kerala.

Read: the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (October, 2013 & 30.11.2015) and compliance dated 17/02/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Gastroenterology) qualification against increased intake from 01 to 04 seats at Govt. Medical College, Kozhikode, Calicut, Kerala granted by Kerala University of Health Sciences, Thrissur/ Kerala University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (October, 2013 & 30.11.2015) and compliance dated 17/02/2016 submitted by the college authorities and decided to recommend not to recognize DM(Gastroenterology) qualification against increased intake from 01 to 04 seats granted by Kerala University of Health Sciences, Thrissur/ Kerala University in respect of students being trained at Govt. Medical College, Kozhikode, Calicut, Kerala because of the following facts:-

1. There is no Senior Resident who has 3 years experience as Junior Resident in Gastroenterology. There are 12 Senior Resident shown, all are MD (General Medicine). They seem to be DM students.
2. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 1 to 4 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

18. Rajiv Gandhi University of Health Sciences, Bangalore - Renewal of recognition of MS(Orthopaedics) qualification for 01 seat in respect of students being trained at Al-Ameen Medical College, Bijapur.

Read: the Compliance Verification Assessment Report (17/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 19/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MS(Orthopaedics) qualification for 01 seat at Al-Ameen Medical College, Bijapur granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (17/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 19/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MS(Orthopaedics) qualification for 01 seat granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Al-Ameen Medical College, Bijapur be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

19. Rajiv Gandhi University of Health Sciences, Bangalore - Recognition of MD(Pathology) qualification against increased intake from 03 to 05 seats in respect of students being trained at M S Ramaiah Medical College, Bangalore.

Read: the Compliance Verification Assessment Report (16/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 21/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Pathology) qualification against increased intake from 03 to 05 seats at M S Ramaiah Medical College, Bangalore granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (16/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 21/03/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Pathology) qualification against increased intake from 03 to 05 seats granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M S Ramaiah Medical College, Bangalore be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

20. Srimanta Sankaradeva University of health Sciences, Assam - Recognition of MD(Radio Therapy) qualification 01 seat in respect of students being trained at Assam Medial College, Dibrugarh.

Read: the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (May, 2013) and compliance dated 01/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radio Therapy) qualification 01 seat at Assam Medial College, Dibrugarh granted by Srimanta Sankaradeva University of health Sciences, Assam.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/05/2016) along with the Council Assessor's Report (May, 2013) and compliance dated 01/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Radio Therapy) qualification 01 seat granted by Srimanta Sankaradeva University of health Sciences, Assam in respect of students being trained at Assam Medial College, Dibrugarh be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

21. Maharashtra University of Health Sciences, Nashik - Recognition of MD(Paediatrics) qualification against increased intake from 02(Two) to 03(Three) seats in respect of students being trained at Indira Gandhi Medical College & Hospital, Nagpur.

Read: the Compliance Verification Assessment Report (30/05/2016) along with the Council Assessor's Report (May, 2013 and 14/07/2015) and compliance dated 13/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Paediatrics) qualification against increased intake from 02(Two) to 03(Three) seats at Indira Gandhi Medical College & Hospital, Nagpur granted by Maharashtra University of Health Sciences, Nashik.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (30/05/2016) along with the Council Assessor's Report (May, 2013 and 14/07/2015) and compliance dated 13/04/2016 submitted by the college authorities and decided to recommend not to recognize MD(Paediatrics) qualification against increased intake from 02(Two) to 03(Three) seats granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Indira Gandhi Medical College & Hospital, Nagpur because of the following facts:-

1. Blood Component Separation facility is not yet available. Deficiency remains as it is.
2. Dr. Sonia Arora & Dr. A.B. Gedam, Senior Residents in Unit I do not have 3 years experience as Resident in a Medical College prior to their appointment as Senior Resident; hence not qualified to hold the post.

3. Dr. Susheel Manwatkar, Senior Resident in Unit II does not have 3 years experience as Resident in a Medical College prior to appointment as Senior Resident; hence not qualified to hold the post.
4. Dr. D.N. Madavi, Assoc. Unit-I was promoted on 04/06/2015 without any publications. No other Assoc. Professor in Unit-I.
5. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 2 to 3 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

22. B.N. Mandal University, Bihar - Renewal of recognition of MS(Anatomy) qualification for 2 seats in respect of students being trained at Kathiar Medical College, Kathiar.

Read: the Compliance Verification Assessment Report (26/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MS(Anatomy) qualification for 2 seats at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (26/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MS(Anatomy) qualification for 2 seats granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

23. Padamshree Dr. D.Y. Patil University, Navi Mumbai - Renewal of recognition of MD(Radiodiagnosis) qualification for 1 seat in respect of students being trained at Padamshree Dr. D.Y.Patil Medical College, Navi Mumbai.

Read: the Compliance Verification Assessment Report (16/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 28/03/2016 submitted

by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Radiodiagnosis) qualification for 1 seat at Padamshree Dr. D.Y.Patil Medical College, Navi Mumbai granted by Padamshree Dr. D.Y. Patil University, Navi Mumbai.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (16/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 28/03/2016 submitted by the college authorities and decided to recommend not to renew the recognition of MD(Radiodiagnosis) qualification for 1 seat granted by Padamshree Dr. D.Y. Patil University, Navi Mumbai in respect of students being trained at Padamshree Dr. D.Y.Patil Medical College, Navi Mumbai because of the following facts:-

1. Dr. Sharad Sancheti has been promoted as Professor after cutoff date; however details of research publications are not provided in faculty table; hence his promotion is not as per Regulations & he cannot be considered.
2. Dr. Omprakash Tavri is shown as "Professor" in the column of "Designation"; however, in the column of experience, it is shown as "Asso. Prof. " w.e.f. 02/06/2014 till date.
3. The college authorities are not clearly conveying despite repeatedly asking that how much exact amount of stipend they are paying presently to PG students of different years. They are only making indirect assertions that they are not paying less than Maharashtra Government rates.
4. Contention of institute that Residents have requested to consider arrears against future payment of fees cannot be accepted.
5. There are no offices for faculty.
6. There is no DSA in the department. One case shown is in Cardiology.
7. CT guided procedures on day of assessment are very few.
8. Salary structure of Asst. Prof. is very low.
9. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat till renewal of their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely renewal of recognition as required shall invariably result in stoppage of admissions to the concerned Post Graduate Course. This is also clarified in the letter of recognition granted u/s 11(2) of the IMC Act, 1956 issued for these seats, which reads as under:

"...the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

24. Sri Balaji Vidyapeeth University, Puducherry - Recognition of MD/MS(OBG) qualification against increased intake from 02 to 04 seats in respect of students being trained at Mahatama Gandhi Medical College & Research Institute, Pondicherry.

Read: the Compliance Verification Assessment Report (27/05/2016) along with the Council Assessor's Report (April, 2012; April, 2013 and April, 2014) and compliance dated 04/05/2015 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD/MS(OBG) qualification against increased intake from 02 to 04 seats at Mahatama Gandhi Medical College & Research Institute, Pondicherry granted by Sri Balaji Vidyapeeth University, Puducherry.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (27/05/2016) along with the Council Assessor's Report (April, 2012; April, 2013 and April, 2014) and compliance dated 04/05/2015 submitted by the college authorities and decided to recommend not to recognize MD/MS(OBG) qualification against increased intake from 02 to 04 seats granted by Sri Balaji Vidyapeeth University, Puducherry in respect of students being trained at Mahatama Gandhi Medical College & Research Institute, Pondicherry because of the following facts:-

1. On the day of Assessment, Minor Operations and Day Care operations were nil.
2. Dr. Jasmina Begum, Assoc. Professor, Unit-2 was promoted on 20/04/2015. No full reference of 2 publications quoted given (no author name, no reprint). Hence, her promotion is not as per Regulations. Resultantly, Unit-II is left with 2 Faculty.
3. Promotion of Dr. P. Pallavee, Professor, Unit-5 is not as per Regulations. She has been Assoc. Professor for 3 years 3 months and promoted on 04/09/2015. No full reference of publications given (no author name, no reprint).
4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 2 to 4 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

25. B.N. Mandal University, Bihar - Renewal of recognition of MD(Physiology) qualification for 2 seats in respect of students being trained at Kathiar Medical College, Kathiar.

Read: the Compliance Verification Assessment Report (30/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Physiology) qualification for 2 seats at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (30/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MD(Physiology) qualification for 2 seats granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

26. Pondicherry University, Puducherry - Recognition of MD(Radio-Diagnosis) qualification for 02 seats in respect of students being trained at Pondicherry Institute of Medical Sciences, Pondicherry.

Read: the Compliance Verification Assessment Report (01/06/2016) along with the Council Assessor's Report (April, 2014, 03.03.2015 & 29.02.2016) and compliance dated 26/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radio-Diagnosis) qualification for 02 seats at Pondicherry Institute of Medical Sciences, Pondicherry granted by Pondicherry University, Puducherry.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (01/06/2016) along with the Council Assessor's Report (April, 2014, 03.03.2015 & 29.02.2016) and compliance dated 26/04/2016 submitted by the college authorities and decided to recommend not to recognize MD(Radio-Diagnosis) qualification for 02 seats granted by Pondicherry University, Puducherry in respect of students being trained at Pondicherry Institute of Medical Sciences, Pondicherry because of the following facts:-

1. Workload of Mammography, DSA is < 1/day which is inadequate.
2. Deficiency of faculty: (a) Asso. Prof.: 2 (b) Senior Resident: 1.
3. Stipend has been increased at par with Government rates from April, 2016 only. Not paid for earlier period.
4. Dr. Sudhanshu Shekhar, Senior Resident is DNB. Hence, not eligible. He has no 3 years experience as Junior Resident.
5. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the

concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

27. Padamshree Dr. D.Y. Patil University, Navi Mumbai - Recognition of MS(OBG) and DGO qualifications for 3 seats each in respect of students being trained at Padamshree Dr. D.Y.Patil Medical College, Navi Mumbai.

Read: the Compliance Verification Assessment Report (26/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 28/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(OBG) and DGO qualifications for 3 seats each at Padamshree Dr. D.Y.Patil Medical College, Navi Mumbai granted by Padamshree Dr. D.Y. Patil University, Navi Mumbai.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (26/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 28/03/2016 submitted by the college authorities and decided to recommend not to recognize MS(OBG) and DGO qualifications for 3 seats each granted by Padamshree Dr. D.Y. Patil University, Navi Mumbai in respect of students being trained at Padamshree Dr. D.Y.Patil Medical College, Navi Mumbai because of the following facts:-

1. The college authorities are not clearly conveying despite repeatedly asking that how much exact amount of stipend they are paying presently to PG students of different years. They are only making indirect assertions that they are not paying less than Maharashtra Government rates.
2. Contention of institute that Residents have requested to consider arrears against future payment of fees cannot be accepted.
3. Unit-II has only 2 faculty. Dr. Pallavi Vishwankar, Asst. Professor was absent on inspection day.
4. Dr. Alka Dani, Assoc. Professor, Unit-III was promoted on 26/05/2015 after the cut-off date without any publications. Hence, her promotion is not as per Regulations.
5. Dr. Priyanka Thakur, Asst. Professor was absent on the day of Assessment. She has not signed the Faculty table. Resultantly, Unit-III left with 2 faculty.
6. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 03 seats each for degree and diploma after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of

permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

28. Dr. NTR University of Health Sciences, Vijayawada, A.P. - Recognition of MD(Radio Diagnosis) qualification against increased intake from 02 to 05 seats in respect of students being trained at Mamata Medical College, Khammam.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 24/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radio Diagnosis) qualification against increased intake from 02 to 05 seats at Mamata Medical College, Khammam granted by Dr. NTR University of Health Sciences, Vijayawada, A.P..

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 24/03/2016 submitted by the college authorities and decided to recommend not to recognize MD(Radio Diagnosis) qualification against increased intake from 02 to 05 seats granted by Dr. NTR University of Health Sciences, Vijayawada, A.P. in respect of students being trained at Mamata Medical College, Khammam because of the following facts:-

1. No reply has been given to deficiencies 2 to 8, which were pointed out after the first assessment report and they have never been verified.
2. Tutor is not a designation in Radio-Diagnosis.
3. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 2 to 5 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is

found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

29. Rajiv Gandhi University of Health Sciences, Bangalore - Recognition of MS(ENT) qualification against increased intake from 01 to 02 seats in respect of students being trained at Dr BR Ambedkar Medical College, Bangalore.

Read: the Compliance Verification Assessment Report (02/06/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 02/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(ENT) qualification against increased intake from 01 to 02 seats at Dr BR Ambedkar Medical College, Bangalore granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/06/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 02/04/2016 submitted by the college authorities and decided to recommend not to recognize MS(ENT) qualification against increased intake from 01 to 02 seats granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Dr BR Ambedkar Medical College, Bangalore because of the following facts:-

1. Workload of Impedance Audiometry on day of assessment is NIL.
2. Total number of Major operations in 2015 is 659 implying daily average of 2.2 which is inadequate.
3. Total number of patients in OPD has decreased from 50,790 in 2013 to 29,484 in 2015.
4. Total number of patients in IPD has decreased from 1,670 in 2013 to 1,149 in 2015.
5. MRI workload on Day of Assessment for the whole hospital is only 08.
6. Dr. Gayattre Kailas, Senior Resident is not eligible. She has no 3 years experience as Junior Resident. No other Senior Resident in the department. He was not present on inspection day.
7. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 1 to 2 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

30. Sri Balaji Vidyapeeth University, Puducherry - Recognition of MD(Anaesthesiology) qualification against increased intake from 02 to 06 seats in respect of students being trained at Mahatama Gandhi Medical College & Research Institute, Pondicherry.

Read: the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (April, 2014 for 2 to 3 seats and April, 2015 for 3 to 6 seats & 16/07/2015 for 2 to 3 seats) and compliance dated 31/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Anaesthesiology) qualification against increased intake from 02 to 06 seats at Mahatama Gandhi Medical College & Research Institute, Pondicherry granted by Sri Balaji Vidyapeeth University, Puducherry.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (April, 2014 for 2 to 3 seats and April, 2015 for 3 to 6 seats & 16/07/2015 for 2 to 3 seats) and compliance dated 31/03/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Anaesthesiology) qualification against increased intake from 02 to 06 seats granted by Sri Balaji Vidyapeeth University, Puducherry in respect of students being trained at Mahatama Gandhi Medical College & Research Institute, Pondicherry be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

31. Kerala University of Health Sciences, Thrissur/ Kerala University - Recognition of MD(Ophthalmology) qualification for 2 seats and DO qualification for 1 seat in respect of students being trained at M E S Medical College, Perintalmanna Malappuram Distt.Kerala.

Read: the Compliance Verification Assessment Report (11/05/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 11/11/2015 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Ophthalmology) qualification for 2 seats and DO qualification for 1 seat at M E S Medical College, Perintalmanna Malappuram Distt.Kerala granted by Kerala University of Health Sciences, Thrissur/ Kerala University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (11/05/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 11/11/2015 submitted by the college authorities and decided to recommend to the Central Government that MD(Ophthalmology) qualification for 2 seats and DO qualification for 1 seat granted by Kerala University of Health Sciences, Thrissur/ Kerala University in respect of students being trained at M E S Medical College, Perintalmanna Malappuram Distt.Kerala be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

32. B.N. Mandal University, Bihar - Renewal of recognition of MS(Orthopaedics) qualification for 2 seats and D.Ortho qualification for 1 seat and recognition of MS (Orthopaedics) qualification against increased intake from 02 to 03 seats in respect of students being trained at Kathiar Medical College, Kathiar.

Read: the Compliance Verification Assessment Report (16-17/05/2016 for 02 seats and against and 02 to 03 seats, diploma for 01 seat) along with the Council Assessor's Report (September, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MS(Orthopaedics) qualification for 2 seats and D.Ortho qualification for 1 seat and recognition of MS (Orthopaedics) qualification against increased intake from 02 to 03 seats at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (16-17/05/2016 for 02 seats and against and 02 to 03 seats, diploma for 01 seat) along with the Council Assessor's Report (September, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MS(Orthopaedics) qualification for 2 seats and D.Ortho qualification for 1 seat granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Coimmittee also decided to recommend to the Central Government that MS (Orthopaedics) qualification against increased intake from 02 to 03 seats granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

33. Maharashtra University of Health Sciences, Nashik - Recognition of MD(Radiotherapy) qualification for 02 seats in respect of students being trained at Government Medical College, Nagpur.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (May, 2014) and compliance dated 07/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radiotherapy) qualification for 02 seats at Government Medical College, Nagpur granted by Maharashtra University of Health Sciences, Nashik.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (May, 2014) and compliance dated 07/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Radiotherapy) qualification for 02 seats granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Government Medical College, Nagpur be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

34. Pondicherry University, Puducherry - Recognition of MS(Orthopaedics) qualification for 02 seats in respect of students being trained at Sri Manakula Vinayagar Medical College & Hospital, Pondicherry.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 07/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(Orthopaedics) qualification for 02 seats at Sri Manakula Vinayagar Medical College & Hospital, Pondicherry granted by Pondicherry University, Puducherry.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 07/04/2016 submitted by the college authorities and decided to recommend not to recognize MS(Orthopaedics) qualification for 02 seats granted by Pondicherry University, Puducherry in respect of students being trained at Sri Manakula Vinayagar Medical College & Hospital, Pondicherry because of the following facts:-

1. Dr. Ameerjan S., Senior Resident in Unit I possesses only 2 years experience as Resident before appointment as Senior resident against requirement of 3 years; hence not qualified to hold the post; resultantly there is no Senior Resident in Unit I.
2. Dr. M. Pragash, Asso. Prof. has been promoted as Asso. Prof. after cut-off date; however details of research publications are not given in the faculty table; hence it cannot be verified whether his promotion is as per Regulations or not.
3. Dr. Sathyanarayanan, Senior Resident in Unit II possesses only 2 years experience as Resident before appointment as Senior resident against requirement of 3 years; hence not qualified to hold the post; resultantly there is no Senior Resident in Unit II.
4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

35. Kerala University of Health Sciences, Thrissur - Recognition of MD(Paediatrics) qualification for 2 seats in respect of students being trained at Government Medical College, Thrissur.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 05/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Paediatrics) qualification for 2 seats at Government Medical College, Thrissur granted by Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 05/04/2016 submitted by the college authorities and decided to recommend not to recognize MD(Paediatrics) qualification for 2 seats granted by Kerala University of Health Sciences, Thrissur in respect of students being trained at Government Medical College, Thrissur because of the following facts:-

1. Dr. Priya, Senior Resident in Unit 2& Dr. Tara, Senior Resident in Unit 3 do not have 3 years experience as Resident prior to appointment as Senior Resident; hence not qualified to hold the post.
2. Unit 2 has only 26 beds; hence it cannot be considered as a Unit at all.
3. Unit 3 has only 20 beds; hence it cannot be considered as a Unit at all.
4. Resultantly there is deficiency of 2 Units.
5. OPD attendance on day of assessment is only 50 which is grossly inadequate.
6. Bed occupancy is 46.05% on day of assessment, Bed occupancy in NICU is 60%.
7. Equipment like Upper GI Endoscope, Paediatric Dialysis Machine are not yet available in the department. These services are provided by other departments but not by Paediatrics.
8. ICD X classification of diseases is followed for some departments only.
9. Immunization clinic is run by Community Medicine department & not by Paediatrics.
10. Only one research publication in last 3 years.
11. Experience details of faculty in faculty table are written in such a way that nothing can be understood. There is no alignment of dates with Designation.
12. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

36. Kerala University of Health Sciences, Thrissur - Recognition of MD(General Medicine) qualification against increased intake from 03 to 04 seats in respect of students being trained at Academy of Medical Sciences,Pariyaram, Kannur.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 28/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(General Medicine) qualification against increased intake from 03 to 04 seats at Academy of Medical Sciences,Pariyaram, Kannur granted by Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 28/03/2016 submitted by the college authorities and decided to recommend not to recognize MD(General Medicine) qualification against increased intake from 03 to 04 seats granted by Kerala University of Health Sciences, Thrissur in respect of students being trained at Academy of Medical Sciences,Pariyaram, Kannur because of the following facts:-

1. Dr. Manu Mathew, Assoc. Professor, Unit-I was promoted on 01/07/2015 without any publications, which is not as per Regulations.
2. Dr. Prabhakaran K. was absent on the day of Assessment. Resultantly, Unit-I left with only 2 faculty.
3. Dr. Sarin S.M., Assoc. Professor, Unit-IV was promoted on 12/08/2015, without any publications, which is not as per Regulations. Resultantly, Unit-IV left with only 2 faculty.
4. Bed occupancy is 53.3% on day of assessment.
5. There is no functional MRI on day of assessment.
6. EMG is available but not functional. Nerve Conduction is not available.
7. Pantry is available in the ward but not in use.
8. Distance between 2 beds is < 1.5 m. required as per Regulations.
9. Central Library is not air conditioned.
10. Medical Journals are not made available in the department library.
11. On the day of Assessment, blood unit consumed is 2 Units only.
12. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 3 to 4 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

37. B.N. Mandal University, Bihar - Renewal of recognition of MD(Pharmacology) qualification for 3 seats in respect of students being trained at Kathiar Medical College, Kathiar.

Read: the Compliance Verification Assessment Report (31/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Pharmacology) qualification for 3 seats at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (31/05/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MD(Pharmacology) qualification for 3 seats granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

38. Kerala University of Health Sciences - Recognition of DCH qualification for 2 seats in respect of students being trained at Sri Gokulam Medical College Trust & Research Foundation, Trivandrum, Kerala.

Read: the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 14/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DCH qualification for 2 seats at Sri Gokulam Medical College Trust & Research Foundation, Trivandrum, Kerala granted by Kerala University of Health Sciences.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 14/03/2016 submitted by the college authorities and decided to recommend not to recognize DCH qualification for 2 seats granted by Kerala University of Health Sciences in respect of students being trained at Sri Gokulam Medical College Trust & Research Foundation, Trivandrum, Kerala because of the following facts:-

1. MRI workload on day of assessment is only 01.
2. Endoscopy, Bronchoscopy & Dialysis are not available in the department.
3. Bed occupancy as observed by assessor on day of assessment was < 60%.
4. Clinical workload is less.
5. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

39. B.N. Mandal University, Bihar - Renewal of recognition of MD(Community Medicine) qualification for 3 seats in respect of students being trained at Kathiar Medical College, Kathiar.

Read: the Compliance Verification Assessment Report (02/06/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Community Medicine) qualification for 3 seats at Kathiar Medical College, Kathiar granted by B.N. Mandal University, Bihar.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/06/2016) along with the Council Assessor's Report (October, 2015) and compliance dated 17/03/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MD(Community Medicine) qualification for 3 seats granted by B.N. Mandal University, Bihar in respect of students being trained at Kathiar Medical College, Kathiar be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

40. Kerala University of Health Sciences, Thrissur - Recognition of DM(Cardiology) qualification for 1 seat in respect of students being trained at Academy of Medical Sciences, Pariyaram, Kannur.

Read: the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (August, 2015) and compliance dated 31/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Cardiology) qualification for 1 seat at Academy of Medical Sciences, Pariyaram, Kannur granted by Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (August, 2015) and compliance dated 31/03/2016 submitted by the college authorities and decided to recommend not to recognize DM(Cardiology) qualification for 1 seat granted by Kerala University of Health Sciences, Thrissur in respect of students being trained at Academy of Medical Sciences, Pariyaram, Kannur because of the following facts:-

1. Cardiology Unit has 45 beds which is not as per Regulations.

2. There are 79 beds in Semiprivate & Private Cardiology wards. It is not clear whether the same faculty & Residents are managing these beds or separate staff is appointed for them.
3. Workload of Dobutamine Stress Echo is less - 18 cases in 9 months - i.e. 2/month.
4. Log books of students are incomplete.
5. None of Senior Residents has 3 years experience as Resident in this department; hence not qualified to hold the post.
6. Prior to 2011, there was no permission for DM Course. How the faculty has been given experience from 2006 from their own college.
7. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

41. Baba Farid University of Health Sciences, Faridkot - Recognition of MS(ENT) qualification for 02 seats in respect of students being trained at Christian Medical College, Ludhiana.

Read: the Compliance Verification Assessment Report (30/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 08/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(ENT) qualification for 02 seats at Christian Medical College, Ludhiana granted by Baba Farid University of Health Sciences, Faridkot.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (30/05/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 08/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MS(ENT) qualification for 02 seats granted by Baba Farid University of Health Sciences, Faridkot in respect of students being trained at Christian Medical College, Ludhiana be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

42. Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh - Recognition of MD(Paediatics) qualification against increased intake from 02 to 03 seats in respect of students being trained at GSL Medical College & GSL General Hospital, Lakshmipuram, Rajahmundry.

Read: the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 11/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Paediatics) qualification against increased intake from 02 to 03 seats at GSL Medical College & GSL General Hospital, Lakshmipuram, Rajahmundry granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (03/06/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 11/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Paediatics) qualification against increased intake from 02 to 03 seats granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh in respect of students being trained at GSL Medical College & GSL General Hospital, Lakshmipuram, Rajahmundry be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

43. Dr. NTR University of Health Sciences, Vijayawada, A.P. - Renewal of recognition of MD(Psychiatry) qualification & DPM qualification for 01 seat each in respect of students being trained at Deccan College of Medical Sciences, Hyderabad.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (November, 2014) and compliance dated 06/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Psychiatry) qualification & DPM qualification for 01 seat each at Deccan College of Medical Sciences, Hyderabad granted by Dr. NTR University of Health Sciences, Vijayawada, A.P..

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (November, 2014) and compliance dated 06/04/2016 submitted by the college authorities and decided to recommend to the Central Government that the recognition of MD(Psychiatry) qualification & DPM qualification for 01 seat each granted by Dr. NTR University of Health Sciences, Vijayawada, A.P. in respect of students being trained at Deccan College of Medical Sciences, Hyderabad be renewed.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

44. Dr. NTR University of Health Sciences, Vijayawada, A.P. - Recognition of MS(OBG) qualification against increased intake from 03 to 04 seats in respect of students being trained at Deccan College of Medical Sciences, Hyderabad.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (November, 2014 & July, 2015) and compliance dated 06/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(OBG) qualification against increased intake from 03 to 04 seats at Deccan College of Medical Sciences, Hyderabad granted by Dr. NTR University of Health Sciences, Vijayawada, A.P..

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (November, 2014 & July, 2015) and compliance dated 06/04/2016 submitted by the college authorities and decided to recommend not to recognize MS(OBG) qualification against increased intake from 03 to 04 seats granted by Dr. NTR University of Health Sciences, Vijayawada, A.P. in respect of students being trained at Deccan College of Medical Sciences, Hyderabad because of the following facts:-

1. Dr. Anjoom Kakshan, Assoc. Professor, Unit-III promoted on 27/10/2015 after the cut-off date. There are no publications. Hence, her promotion is not as per Regulations. Unit left with 2 Faculty.
2. Dr. A. Shanti Sri, Professor, Unit-II promoted on 05/11/2015 after the cut-off date without any publications. Hence, her promotion is not as per Regulations.
3. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 3 to 4 seats after the first batch appeared in Examination till their recognition will be irregular/illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

45. Chhatrapati Shahuji Maharaj Medical University, Lucknow - Recognition of MD(Radio-Diagnosis) qualification for 02 seats in respect of students being trained at Command Hospital, Lucknow.

Read: the Compliance Verification Assessment Report (08/06/2016) along with the Council Assessor's Report (May, 2014 and October, 2015) and compliance dated 18/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radio-Diagnosis) qualification for 02 seats at Command Hospital, Lucknow granted by Chhatrapati Shahuji Maharaj Medical University, Lucknow.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (08/06/2016) along with the Council Assessor's Report (May, 2014 and October, 2015) and compliance dated 18/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Radio-Diagnosis) qualification for 02 seats granted by Chhatrapati Shahuji Maharaj Medical University, Lucknow in respect of students being trained at Command Hospital, Lucknow be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

46. Kerala University of Health Sciences, Thrissur/ Kerala University - Recognition of MD(Community Medicine) qualification for 2 seats in respect of students being trained at M E S Medical College, Perintalmanna Malappuram Distt.Kerala.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 30/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Community Medicine) qualification for 2 seats at M E S Medical College, Perintalmanna Malappuram Distt.Kerala granted by Kerala University of Health Sciences, Thrissur/ Kerala University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 30/03/2016 submitted by the college authorities and decided to recommend not to recognize MD(Community Medicine) qualification for 2 seats granted by Kerala University of Health Sciences, Thrissur/ Kerala University in respect of students being trained at M E S Medical College, Perintalmanna Malappuram Distt.Kerala because of the following facts:-

1. Dr. N.M. Sebastian was promoted as Asso. Prof. w.e.f. 01/07/2013 with experience of only 4 years 3 months as Asst. Prof. against requirement of 5 years; hence his promotion is not as per Regulations. One publication in June 2013 is a review article & cannot be considered. His 2nd publication was accepted in January 2014; hence even otherwise his promotion from July 2013 was not as per Regulations which has not been rectified.
2. Deficiency of faculty: (a) Assoc. Professor: 1 (b) Asst. Professor: 1.
3. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

47. Vinayaka Mission's University, salem - Recognition of MS(Orthopaedics) qualification against increased intake from 02 to 04 seats in respect of students being trained at Vinayaka Mission's Kirupananda Variyar Medical College, Salem.

Read: the Compliance Verification Assessment Report (08/06/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 07/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(Orthopaedics) qualification against increased intake from 02 to 04 seats at Vinayaka Mission's Kirupananda Variyar Medical College, Salem granted by Vinayaka Mission's University, salem.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (08/06/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 07/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MS(Orthopaedics) qualification against increased intake from 02 to 04 seats granted by Vinayaka Mission's University, salem in respect of students being trained at Vinayaka Mission's Kirupananda Variyar Medical College, Salem be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

48. West Bengal University of Health Sciences, Kolkata - Recognition of MD/MS (Ophthalmology) qualification for 2 seats in respect of students being trained at North Bengal Medical College, Darjeeling.

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (April, 2014) and compliance dated email-26/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD/MS (Ophthalmology) qualification for 2 seats at North Bengal Medical College, Darjeeling granted by West Bengal University of Health Sciences, Kolkata.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (April, 2014) and compliance dated email-26/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD/MS (Ophthalmology) qualification for 2 seats granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at North Bengal Medical College, Darjeeling be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of

Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

49. Pt. B D Sharma Postgraduate Institute of Medical Sciences, Rohtak (Haryana) - Recognition of MD(Anaesthesiology) qualification for 02 seats in respect of students being trained at Command Hospital, Chandimandir.

Read: the Compliance Verification Assessment Report (02/06/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 06/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Anaesthesiology) qualification for 02 seats at Command Hospital, Chandimandir granted by Pt. B D Sharma Postgraduate Institute of Medical Sciences, Rohtak (Haryana).

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/06/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 06/04/2016 submitted by the college authorities and decided to recommend not to recognize MD(Anaesthesiology) qualification for 02 seats granted by Pt. B D Sharma Postgraduate Institute of Medical Sciences, Rohtak (Haryana) in respect of students being trained at Command Hospital, Chandimandir because of the following facts:-

1. In the faculty table, in the column of "Designation", Dr. Shivinder Singh is shown as Professor & HOD. However, in the column of "Experience", Dr. N.S. Lamba is shown as Professor & HOD from Oct 2014 till date.
2. Promotion of Brig. N.S. Lamba is not as per Regulations. He was not Graded/ Classified Specialist for 4 years before being appointed Assoc. Professor.
3. Dr. Sanil Mohan has been promoted as Asso. Prof. after cut-off date and he was Asst. Professor for 4 years. However, details of his research publications are not provided in the faculty table; Hence it cannot be verified whether his promotion is as per Regulations or not.
4. Deficiency of faculty: (a) Asso. Prof.: 2.
5. Shortage of Senior Residents: 1.
6. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

50. **Vinayaka Mission's University, Salem - Renewal of recognition of MD(Paediatics) qualification for 2(Two) seats and recognition against increased intake from 02 (Two) to 03 (Three) seats in respect of students being trained at Vinayaka Mission's Medical College & Hospital, Karaikal, Puducherry.**

Read: the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (April, 2014 and 03.08.2015) and compliance dated 30/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Paediatics) qualification for 2(Two) seats and recognition against increased intake from 02 (Two) to 03 (Three) seats at Vinayaka Mission's Medical College & Hospital, Karaikal, Puducherry granted by Vinayaka Mission's University, Salem.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/06/2016) along with the Council Assessor's Report (April, 2014 and 03.08.2015) and compliance dated 30/03/2016 submitted by the college authorities and decided to recommend not to renew the recognition of MD(Paediatics) qualification for 2(Two) seats and not to recognize against increased intake from 02 (Two) to 03 (Three) seats granted by Vinayaka Mission's University, Salem in respect of students being trained at Vinayaka Mission's Medical College & Hospital, Karaikal, Puducherry because of the following facts:-

1. Dr. P. Srinivas has been promoted as Asso. Prof. with experience of only 3 years as Asst. Prof. against requirement of 5 years; hence not eligible to hold the post & he cannot be considered as faculty.
2. Resultantly, there is no Asso. Prof. in Unit I & faculty complement is incomplete.
3. Unit II still has only 2 faculty; Dr. V. Seetha, appointed as Professor in Unit II was absent on medical leave. Hence it cannot be considered as PG Unit.
4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats till renewal of their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely renewal of recognition as required shall invariably result in stoppage of admissions to the concerned Post Graduate Course. This is also clarified in the letter of recognition granted u/s 11(2) of the IMC Act, 1956 issued for these seats, which reads as under:

"...the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course"

Admissions done (if any) against these increased number of seats i.e. 2 to 3 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

51. University of Delhi, Delhi - Recognition of MD(Paediatrics) qualification against increased intake from 05 to 21 seats in respect of students being trained at Lady Harding Medical College, Delhi.

Read: the Compliance Verification Assessment Report (04/03/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 18/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Paediatrics) qualification against increased intake from 05 to 21 seats at Lady Harding Medical College, Delhi granted by University of Delhi, Delhi.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

52. H. N. B Garhwal University, Uttarakhand - Recognition of MD (Forensic Medicine/Forensic Medicine & Toxicology) qualification for 02 seats in respect of students being trained at Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun.

Read: the Council Assessor's Report (November, 2014) and compliance dated 18/03/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD (Forensic Medicine/Forensic Medicine & Toxicology) qualification for 02 seats at Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun granted by H. N. B Garhwal University, Uttarakhand.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

53. Maharashtra University of Health Sciences, Nashik - Renewal of recognition of MD(Pathology) qualification for 02 seats and recognition against increased intake from 2 to 3 seats in respect of students being trained at Institute of Naval Medicine, INHS, Aswini.

Read: the Compliance Verification Assessment Report (14/03/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 11/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Renewal of recognition of MD(Pathology) qualification for 02 seats and recognition against increased intake from 2 to 3 seats at Institute of Naval Medicine, INHS, Aswini granted by Maharashtra University of Health Sciences, Nashik.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

54. Rajasthan University of Health Sciences, Jaipur - Recognition of MS(Orthopaedics) qualification against increased intake from 03 to 05 seats in respect of students being trained at Jawaharlal Nehru Medical College, Ajmer.

Read: the Council Assessor's Report (June, 2013) and compliance dated 25/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(Orthopaedics) qualification against increased intake from 03 to 05 seats at Jawaharlal Nehru Medical College, Ajmer granted by Rajasthan University of Health Sciences, Jaipur.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

55. Aligarh Muslim University - Recognition of MD(Radiotherapy) qualification for 1 seat and (DMRT) qualification for 02 seats in respect of students being trained at J.N. Medical College, Aligarh.

Read: the Compliance Verification Assessment Report (29/02/2016) along with the Council Assessor's Report (August, 2014) and compliance dated 16/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Radiotherapy) qualification for 1 seat and (DMRT) qualification for 02 seats at J.N. Medical College, Aligarh granted by Aligarh Muslim University.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

56. West Bengal University of Health Sciences, Kolkata - Recognition of MD(Paediatrics) qualification against increased intake from 02 to 03 seats in respect of students being trained at Command Hospital, Kolkata.

Read: the Council Assessor's Report (may, 2013) and compliance dated 22/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Paediatrics) qualification against increased intake from 02 to 03 seats at Command Hospital, Kolkata granted by West Bengal University of Health Sciences, Kolkata.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

57. Srimanta Shankardeva University of Health Sciences - Recognition of MD(General Medicine) qualification against increased intake from 04 to 07 seats in respect of students being trained at Silchar Medical College, Silchar.

Read: the Compliance Verification Assessment Report (17/03/2016) along with the Council Assessor's Report (May. 2015) and compliance dated 27/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(General Medicine) qualification against increased intake from 04 to 07 seats at Silchar Medical College, Silchar granted by Srimanta Shankardeva University of Health Sciences.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (17/03/2016) along with the Council Assessor's Report (May. 2015) and compliance dated 27/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(General Medicine)

qualification against increased intake from 04 to 07 seats granted by Srimanta Shankardeva University of Health Sciences in respect of students being trained at Silchar Medical College, Silchar be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

58. Baba Farid University of Health Sciences, Faridkot - Recognition of MD(Psychiatry) qualification for 02 seats in respect of students being trained at Guru Govind Singh Medical College, Faridkot.

Read: the Council Assessor's Report (March, 2016) and compliance dated 27/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Psychiatry) qualification for 02 seats at Guru Govind Singh Medical College, Faridkot granted by Baba Farid University of Health Sciences, Faridkot.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

59. Geetanjali University (Deemed), Udaipur - Recognition of MD (Pathology) qualification for 4 seats in respect of students being trained at Geetanjali Medical College & Hospital, Udaipur.

Read: the Compliance Verification Assessment Report (03/03/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 21/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD (Pathology) qualification for 4 seats at Geetanjali Medical College & Hospital, Udaipur granted by Geetanjali University (Deemed), Udaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (03/03/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 21/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD (Pathology) qualification for 4 seats granted by Geetanjali University (Deemed), Udaipur in respect of students being trained at Geetanjali Medical College & Hospital, Udaipur be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

60. King George's Medical University, U.P. Lucknow (Deemed University) - Recognition of DM(Geriatric Mental Health) qualification for 01 seat in respect of students being trained at King George's Medical University, U.P. Lucknow.

Read: the Compliance Verification Assessment Report (04/08/2015) along with the Council Assessor's Report (July, 2014) and compliance dated 20/04/2016 submitted

by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Geriatric Mental Health) qualification for 01 seat at King George's Medical University, U.P. Lucknow granted by King George's Medical University, U.P. Lucknow (Deemed University).

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

61. Pondicherry University, Puducherry - Recognition of MD/MS(Ophthalmology) qualification against increased intake from 1 to 2 seats in respect of students being trained at Pondicherry Institute of Medical Sciences, Pondicherry.

Read: the Council Assessor's Report (April,2015) and compliance dated 26/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD/MS(Ophthalmology) qualification against increased intake from 1 to 2 seats at Pondicherry Institute of Medical Sciences, Pondicherry granted by Pondicherry University, Puducherry.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

62. Aryabhatta Knowledge University, Patna - Recognition of MD(Physiology) qualification for 2 seats in respect of students being trained at Jawaharlal Nehru Medical College, Bhagalpur.

Read: the Council Assessor's Report (May, 2015) and compliance dated 25/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Physiology) qualification for 2 seats at Jawaharlal Nehru Medical College, Bhagalpur granted by Aryabhatta Knowledge University, Patna.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

63. Ch. Charan Singh University - Recognition of MD(General Medicine) qualification for 02 seats in respect of students being trained at Muzaffarnagar Medical College, Muzaffarnagar.

Read: the Compliance Verification Assessment Report (21/03/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 30/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(General Medicine) qualification for 02 seats at Muzaffarnagar Medical College, Muzaffarnagar granted by Ch. Charan Singh University.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

64. Banaras Hindu University - Recognition of M.Ch.(Surgical Oncology) qualification for 01 seat in respect of students being trained at Institute of Medical Sciences, BHU, Varansi.

Read: the Council Assessor's Report (July, 2012) and compliance dated 02/05/2016 submitted by the college authorities on the standard of examination and

other teaching facilities for Recognition of M.Ch.(Surgical Oncology) qualification for 01 seat at Institute of Medical Sciences, BHU, Varansi granted by Banaras Hindu University.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

65. Kerala University of Health Sciences, Thrissur/ Kerala University - Recognition of MD(Family Medicine) for 2 seats in respect of students being trained at Govt. Medical College, Kozhikode, Calicut, Kerala.

Read: the Compliance Verification Assessment Report (04/03/2016) along with the Council Assessor's Report (July, 2015) and compliance dated 27/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Family Medicine) for 2 seats at Govt. Medical College, Kozhikode, Calicut, Kerala granted by Kerala University of Health Sciences, Thrissur/ Kerala University.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

66. West Bengal University of Health Sciences, Kolkata - Recognition of DM(Neonatology) qualification for 01 seat in respect of students being trained at Institute of Postgraduate Medical Education & Research, Kolkata.

Read: the Compliance Verification Assessment Report (02/03/2016) along with the Council Assessor's Report (August, 2014 & 11.06.2015) and compliance dated 27/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Neonatology) qualification for 01 seat at Institute of Postgraduate Medical Education & Research, Kolkata granted by West Bengal University of Health Sciences, Kolkata.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

67. Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh - Recognition of MS(General Surgery) qualification for 02 seats in respect of students being trained at Konaseema Institute of Medical Sciences & Research Foundation, Amalapuram.

Read: the Compliance Verification Assessment Report (29/02/2016) along with the Council Assessor's Report (May, 2015) and compliance dated 16/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(General Surgery) qualification for 02 seats at Konaseema Institute of Medical Sciences & Research Foundation, Amalapuram granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

68. West Bengal University of Health Sciences, Kolkata - Recognition of DM(Endocrinology) qualification for 2 seats in respect of students being trained at Nilratan Sircar Medical College, Kolkata.

Read: the Council Assessor's Report (30th & 31st July, 2015) and compliance dated 02/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of DM(Endocrinology) qualification for 2 seats at Nilratan Sircar Medical College, Kolkata granted by West Bengal University of Health Sciences, Kolkata.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

69. Himachal Pradesh University - Recognition of MD(Pharmacology) qualification for 03 seats in respect of students being trained at Dr. Rajendar Prasad Government Medical College, Tanda, H.P.

Read: the Compliance Verification Assessment Report (28/03/2016) along with the Council Assessor's Report (June, 2014 for 1 seat and July, 2015 for 1 to 3 seats & 16/07/2015 for 1 seat) and compliance dated 07/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Pharmacology) qualification for 03 seats at Dr. Rajendar Prasad Government Medical College, Tanda, H.P granted by Himachal Pradesh University.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (28/03/2016) along with the Council Assessor's Report (June, 2014 for 1 seat and July, 2015 for 1 to 3 seats & 16/07/2015 for 1 seat) and compliance dated 07/05/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Pharmacology) qualification for 03 seats granted by Himachal Pradesh University in respect of students being trained at Dr. Rajendar Prasad Government Medical College, Tanda, H.P be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

70. Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh - Recognition of MD(Emergency Medicine) qualification for 02 seats in respect of students being trained at P.E.S. Institute of Medical Sciences & Research, Kuppam.

Read: the Council Assessor's Report (May, 2015) and compliance dated 12/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Emergency Medicine) qualification for 02 seats at P.E.S. Institute of Medical Sciences & Research, Kuppam granted by Dr. NTR University of Health Sciences, Vijayawada, Andhra Pradesh.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

71. Baba Farid University of Health Sciences, Faridkot - Recognition of MD(Pharmacology) qualification for 02 seats in respect of students being trained at Guru Govind Singh Medical College, Faridkot.

Read: the Council Assessor's Report (March, 2016) and compliance dated 20/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Pharmacology) qualification for 02 seats at Guru Govind Singh Medical College, Faridkot granted by Baba Farid University of Health Sciences, Faridkot.

The Postgraduate Medical Education Committee considered the Council Assessor's Report (March, 2016) and compliance dated 20/04/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Pharmacology) qualification for 02 seats granted by Baba Farid University of Health Sciences, Faridkot in respect of students being trained at Guru Govind Singh Medical College, Faridkot be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

72. Chettinad Academy of Research and Education (Deemed University) - Recognition of MD(Anesthesiology) qualification for 4 seats in respect of students being trained at Chettinad Hospital & Research Institute, Kanchipuram.

Read: the Compliance Verification Assessment Report (31/03/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 09/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Anesthesiology) qualification for 4 seats at Chettinad Hospital & Research Institute, Kanchipuram granted by Chettinad Academy of Research and Education (Deemed University).

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

73. Kerala University of Health Sciences - Recognition of MD(Anaesthesiology) qualification for 06 seats in respect of students being trained at Sri Gokulam Medical College Trust & Research Foundation, Trivandrum, Kerala.

Read: the Compliance Verification Assessment Report (28/03/2016) along with the Council Assessor's Report (June, 2014 for 2 seats, July, 2015 for 2 to 6 seats & 01/07/2015 for 2 seats) and compliance dated 07/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Anaesthesiology) qualification for 06 seats at Sri Gokulam Medical College Trust & Research Foundation, Trivandrum, Kerala granted by Kerala University of Health Sciences.

Item withdrawn due to sudden receipt of super specialties compliances, which are to be disposed off on priority (being time bound).

74. Rajiv Gandhi University of Health Sciences, Bangalore - Recognition of M.Ch(Surgical Oncology) qualification for 02 seats in respect of students being trained at Vydehi Institute Of Medical Sciences & Research Centre, Bangalore.

Read: the Council Assessor's Report (July, 2015) and compliance dated 23/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of M.Ch(Surgical Oncology) qualification for 02 seats at Vydehi Institute Of Medical Sciences & Research Centre, Bangalore granted by Rajiv Gandhi University of Health Sciences, Bangalore.

Item withdrawn due to sudden receipt of super specialities compliances, which are to be disposed off on priority (being time bound).

75. The Tamilnadu Dr. MGR Medical University, Chennai - Recognition of MD(General Medicine) qualification against increased intake from 02 to 06 seats in respect of students being trained at PSG Institute of Medical Sciences & Research, Coimbatore.

Read: the Compliance Verification Assessment Report (05/04/2016) along with the Council Assessor's Report (17.04.2014 and 30.06.2015) and compliance dated 18/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(General Medicine) qualification against increased intake from 02 to 06 seats at PSG Institute of Medical Sciences & Research, Coimbatore granted by The Tamilnadu Dr. MGR Medical University, Chennai.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (05/04/2016) along with the Council Assessor's Report (17.04.2014 and 30.06.2015) and compliance dated 18/05/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(General Medicine) qualification against increased intake from 02 to 06 seats granted by The Tamilnadu Dr. MGR Medical University, Chennai in respect of students being trained at PSG Institute of Medical Sciences & Research, Coimbatore be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

76. Recognition of DMRD qualification granted by Meerut University now known as Ch. Charan Singh University, Meerut, Uttar Pradesh in respect of students being trained at LLRM Medical College, Meerut- correction reg

Read: the various representations received from various doctors with regard to recognition of DMRD qualification granted by Meerut University now known as Ch. Charan Singh University, Meerut, Uttar Pradesh in respect of students being trained at LLRM Medical College, Meerut.

The Postgraduate Medical Education Committee considered the representations received from various doctors with regard to recognition of DMRD qualification granted by Meerut University now known as Ch. Charan Singh University, Meerut, Uttar Pradesh in respect of students being trained at LLRM Medical College, Meerut and noted that as per MCI Regulations, the college authorities were required to apply for recognition inspection u/s 11(2) of the IMC Act, 1956, when the first batch appeared

for examination. However, the college authorities did not apply in 1978, when the first batch appeared without which, recognition could not be done. The applicants be advised to approach the college authorities in this regard.

77. MES Medical College, Perinthalmanna under Kerala University of Health Sciences, Thrissur for purpose of Recognition of MS(Orthopaedics) - correction of date/year of examination of first batch 2015-reg.

Read: the letter dated 13/04/2016 received from the Dean, MES Medical College, Kerala with regard to recognition of MS (Orthopaedics) qualification in respect of students trained at MES Medical College, Perinthalmanna under Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the letter dated 13/04/2016 received from the Dean, MES Medical College, Kerala with regard to recognition of MS (Orthopaedics) qualification in respect of students trained at MES Medical College, Perinthalmanna under Kerala University of Health Sciences, Thrissur and decided to recommend the Central Government, Ministry of Health & Family Welfare to make necessary correction in the notification recognizing MS (Orthopaedics) qualification for 2 seats granted by Kerala University of Health Sciences, Thrissur in respect of students being trained at MES Medical College, Perinthalmanna with effect from 2014 instead of 2015.

78. MES Medical College, Perinthalmanna under Kerala University of Health Sciences, Kerala for purpose of Recognition of MS(OBG) - correction of date/year of examination of first batch 2015-reg.

Read: the letter dated 13/04/2016 received from the Dean, MES Medical College, Kerala with regard to recognition of MS (OBG) qualification in respect of students trained at MES Medical College, Perinthalmanna under Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the letter dated 13/04/2016 received from the Dean, MES Medical College, Kerala with regard to recognition of MS (OBG) qualification in respect of students trained at MES Medical College, Perinthalmanna under Kerala University of Health Sciences, Thrissur and decided to recommend the Central Government, Ministry of Health & Family Welfare to make necessary correction in the notification recognizing MS (OBG) qualification for 01 seat granted by Kerala University of Health Sciences, Kerala in respect of students being trained at MES Medical College, Perinthalmanna with effect from 2014 instead of 2015.

79. Recognition of MD (Anaesthesia) qualification for 02 seats in respect of students being trained at Santhiram Medical College for the year 2014, Nandyal, Kurnool District, A.P. - reg.

Read: the letter dated 11/05/2016 received from the Principal, Santhiram Medical College, Nandyal with regard to Recognition of MD (Anaesthesia) qualification for 02 seats in respect of students being trained at Santhiram Medical College for the year 2014.

The Postgraduate Medical Education Committee considered the letter dated 11/05/2016 received from the Principal, Santhiram Medical College, Nandyal with regard to Recognition of MD (Anaesthesia) qualification for 02 seats in respect of students being trained at Santhiram Medical College for the year 2014 and decided to

recommend the Central Government, Ministry of Health & Family Welfare to make necessary correction in the notification recognizing MD (Anaesthesia) qualification for 2 seats granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Santhiram Medical College, Nandyal with effect from 2014 instead of 2015.

80. Kerala University of Health Sciences, Thrissur - Recognition of MS(ENT) qualification for 2 seats and DLO qualification for 1 seat in respect of students being trained at T.D. Medical College, Alappuzha - correction reg.

Read: the E-mail dated 02/06/2016 received from the Dean, T.D Medical College, Alappuzha with regard to Recognition of MS(ENT) qualification for 2 seats and DLO qualification for 1 seat in respect of students being trained at T.D. Medical College, Alappuzha under Kerala University of Health Sciences, Thrissur.

The Postgraduate Medical Education Committee considered the E-mail dated 02/06/2016 received from the Dean, T.D Medical College, Alappuzha with regard to Recognition of MS(ENT) qualification for 2 seats and DLO qualification for 1 seat in respect of students being trained at T.D. Medical College, Alappuzha under Kerala University of Health Sciences, Thrissur and noted that the request for recognition assessment u/s 11(2) of the IMC Act, 1956 came only in 2015 and first assessment was done on 26/06/2015 in which many deficiencies were found. Subsequently, the recognition was recommended on compliance verification assessment done on 04/03/2016. The comments of the Dean may be obtained on this that how they have applied for recognition from 2013 & 2014.

81. Bundelkhand University - Recognition of MD(Radiodiagnosis) & DMRD Qualifications in resepct of students being trained at MLB Medical College, Jhansi.

Read: the letter dated 25/05/2016 received from the Dean, MLB Medical College, Jhansi with regard to Recognition of MD(Radiodiagnosis) & DMRD Qualifications in resepct of students being trained at MLB Medical College, Jhansi under Bundelkhand University.

The Postgraduate Medical Education Committee considered the letter dated 25/05/2016 received from the Dean, MLB Medical College, Jhansi with regard to Recognition of MD(Radiodiagnosis) & DMRD Qualifications in resepct of students being trained at MLB Medical College, Jhansi under Bundelkhand University and noted that as per college authorities the course was started in 1979. However, the college applied for the first time for recognition assessment u/s 11(2) of the IMC Act, 1956 in 2009 and first assessment was done on 29/06/2009, in which, many deficiencies were found. Subsequently, the college did not submit any compliance till 2016. A compliance verification assessment was done on 17/03/2016 on the basis of which recognition of MD (Radio-Diagnosis) and DMRD qualifications were recommended. The factual position be forwarded to the Government and the Government may decided from which date recognition to MD (Radio-Diagnosis) and DMRD qualifications be given.

82. NIMS University (Deemed University), Jaipur - Recognition of MD(Radio Diagnosis/Radiology) qualification for 01 seat in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (05/04/2016) along with the Council Assessor's Report (June, 2014 & November, 2015) and compliance dated 04/06/2016 submitted by the college authorities on the standard of examination and

other teaching facilities for Recognition of MD(Radio Diagnosis/Radiology) qualification for 01 seat at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (05/04/2016) along with the Council Assessor's Report (June, 2014 & November, 2015) and compliance dated 04/06/2016 submitted by the college authorities and decided to recommend not to recognize MD(Radio Diagnosis/Radiology) qualification for 01 seat granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. As per table in compliance verification report dated 05/04/2016, which is signed by Dr. Lalit Krishna, Dean and Assessor, Dr. Lalit Krishna was Junior Resident at SMS Medical College, Jaipur for 2 years (20/11/1987 to 19/11/1989). Now, in the compliance, the same has been changed to Senior Resident, which is not permissible.
2. Dr. Reena Gupta, Senior Resident was shown as Senior Resident w.e.f. 01/11/2013 in the reports dated 12/06/2014 and 18/11/2015 and also in her Declaration Form enclosed with those reports. Since, she was not found eligible because she had no 3 years experience as Junior Resident, this has been changed to Resident w.e.f. 01/11/2013 and Senior Resident from 01/11/2014, which is not permissible. The reply given that Dr. Reena Gupta has left is no answer to the deficiency, which has been pointed out. What about the answer to the query raised, which should be given by the college authorities.
3. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

83. NIMS University (Deemed University), Jaipur - Recognition of MD(Microbiology) qualification for 2 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2015 and March, 2016) and compliance dated 26/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Microbiology) qualification for 2 seats at

National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2015 and March, 2016) and compliance dated 26/05/2016 submitted by the college authorities and decided to recommend not to recognize MD(Microbiology) qualification for 2 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. It is stated that discrepancy in the number of samples received & seen is because the samples are registered earlier than collection and receipt of the samples in the defined laboratories. It is not understood how a sample can be registered before it is collected and received in the laboratory. This raises serious doubt about genuineness of data which needs to be clarified.
2. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

84. NIMS University (Deemed University), Jaipur - Recognition of MD(Paediatrics) qualification for 04 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (May, 2014 and November, 2015) and compliance dated 04/04/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Paediatrics) qualification for 04 seats at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (May, 2014 and November, 2015) and compliance dated 04/04/2016 submitted by the college authorities and decided to recommend not to recognize MD(Paediatrics) qualification for 04 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. Dr. Rupesh Masand, Professor in Unit I has been promoted as Professor after cut-off date on 03/02/2015; however details of his research publications are not given in the faculty table; hence it cannot be verified whether his promotion is as per Regulations or not and he cannot be considered.
2. Resultantly, faculty complement is incomplete in Unit I.
3. Dr. Pradeep Goyal, Asst. Professor passed DNB from non-teaching institution (General Hospital, Sector-16, Chandigarh), which has been written in the Faculty Table as Government Medical College, which is factually incorrect. He has no 3 years experience at the time of appointment as Senior Resident and subsequently, as Asst. Professor. Hence, he is not eligible. Resultantly, Unit in which he is working is left with 2 faculty.
4. Dr. Raj Kumar Goyal, Senior Resident with DNB qualification has not given the institution from where he passed DNB – whether teaching or non-teaching without which, his eligibility cannot be decided.
5. Faculty table has been modified. It neither give number of units, nor beds.
6. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 04 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

85. NIMS University (Deemed University), Jaipur - Recognition of MD(Forensic Medicine) qualification for 1 seat in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 26/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Forensic Medicine) qualification for 1 seat at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 26/05/2016 submitted by the college authorities and decided to recommend not to recognize MD(Forensic Medicine) qualification for 1 seat granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. Faculty of the institute is still not allowed to conduct medico-legal post-mortems. They are performed by Medical Jurist appointed by Govt. of Rajasthan.
2. The college authorities were asked on 27/06/2016 to provide information immediately about the total number of post-mortems done in the Institute from 25/01/2016 till date and other Medico-Legal work done in the Institute from 25/01/2016 till date about which, they have not given any reply till date.
3. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

86. NIMS University (Deemed University), Jaipur - Recognition of MD/MS(OBG) qualification for 3 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 for 01 seat and June, 2015 (01 to 03) seats and November, 2015) and compliance dated 26/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD/MS(OBG) qualification for 3 seats at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 for 01 seat and June, 2015 (01 to 03) seats and November, 2015) and compliance dated 26/05/2016 submitted by the college authorities and decided to recommend not to recognize MD/MS(OBG) qualification for 3 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. OPD registration is central & computerized. Diagnosis is not entered in any register. Hence figures cannot be verified.
2. Bed occupancy is 20% on day of assessment.
3. Data of clinical material provided by the institute are highly inflated.
4. There were NIL Major operations on day of assessment. There were 2 patients for TAH entered in the list (i.e. Gayatri (# 584242 and Mayadevi

- (# 584286)) on inspection day but they were neither admitted in the wards nor were they available in O.T. at time of taking round.
5. There were 2 Minor operations on day of assessment.
 6. There were NIL Normal Deliveries & NIL Caesarean Section during last 24 hours.
 7. Dr. Sarika Gupta, Senior Resident reported at 11:50 a.m. As per HOD she had been deputed for IVF camp at Ajmer & was called telephonically.
 8. Dr. Archana Sharma has been shown working as Asst. Prof. at Uttaranchal College from 26/09/2009 to 09/02/2013. She is also shown working at GMERS College, Patan Asso. Prof. from 14/01/2013 to 05/01/2014. Thus she has been shown working at 2 colleges during the period from 14/01/2013 to 09/02/2013. Further she has been promoted as Asso. Prof. with experience of only 4 years 3 months against requirement of 5 years as per Regulations. Hence, she cannot be considered.
 9. The following Faculty Members were absent on the day of assessment:
 - a) Dr. Sarika Gupta, Senior Resident, Unit-III
 - b) Dr. Sheela Khandelwal, Senior Resident, Unit-III
 - c) Dr. Alka Batar, Senior Resident, Unit-I.
 - d) Dr. Archana Sharma, Assoc. Professor, Unit-II
 - e) Dr. Shruti Lodha, Asst. Professor, Unit-II
 - f) Dr. Nishu Aggarwal, Senior Resident, Unit-II
 - g) Dr. Harpreet Sharma, Asst. Professor, Unit-III

This raises serious doubt about their working as regular faculty.

10. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 03 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

87. NIMS University (Deemed University), Jaipur - Recognition of MD(Anaesthesia) qualification for 04 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 and January, 2016) and compliance dated 16/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(Anaesthesia) qualification for 04 seats at

National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 and January, 2016) and compliance dated 16/05/2016 submitted by the college authorities and decided to recommend to the Central Government that MD(Anaesthesia) qualification for 04 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

88. NIMS University (Deemed University), Jaipur - Recognition of MS(General Surgery) qualification for 06 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 and January, 2016) and compliance dated 16/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(General Surgery) qualification for 06 seats at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 and January, 2016) and compliance dated 16/05/2016 submitted by the college authorities and decided to recommend not to recognize MS(General Surgery) qualification for 06 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. Dr. K.C. Gupta, Professor in Unit II has been promoted as Professor after cut-off date on 01/10/2015; however no details of research publications are given in the faculty table; hence it cannot be verified whether his publication is as per Regulations or not.
2. Resultantly, faculty complement is incomplete in Unit II & it cannot be considered as PG Unit.
3. Dr. Abu Noman has been shown as Senior Resident in the column of "Designation"; however in the column of experience, it is shown as "Resident" w.e.f. 01/05/2012. Thus it is not clear when he has been appointed as Senior Resident & it cannot be verified whether his appointment as Senior Resident is as per Regulations or not. There is no other Senior Resident in the Unit.
4. Dr. Jayant Jain, Senior Resident in Unit IV, possesses experience as Resident of only 2 years 11 months against requirement of 3 years as per Regulations; hence not eligible to hold the post. There is no other Senior Resident in the Unit. He is shown Senior Resident in the column of Designation and Resident in the column of Experience.
5. Dr. Kushal Monga, Senior Resident in Unit VI, possesses experience as Resident of only 2 years 11 months against requirement of 3 years as per

Regulations; hence not eligible to hold the post. There is no other Senior Resident in the Unit.

6. Resultantly, there is shortage of Senior Residents: 3.
7. Dr. Sameer Gupta shown Senior Resident in column of Designation and Resident in Column of Experience, which is not feasible.
8. Dr. Ritu Raj shown as Senior Resident in column of Designation and Resident in Column of Experience.
9. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 06 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

89. NIMS University (Deemed University), Jaipur - Recognition of MD(General Medicine) qualification for 01 seat in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (May, 2014 and March, 2016) and compliance dated 16/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MD(General Medicine) qualification for 01 seat at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (May, 2014 and March, 2016) and compliance dated 16/05/2016 submitted by the college authorities and decided to recommend not to recognize MD(General Medicine) qualification for 01 seat granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. Promotion of Dr. Kamal Kumar Jain, Assoc. Professor, Unit-II is not as per Regulations. He was promoted on 28/08/2015 after the cut-off date. Out of the 4 publications 3 are Estimated copies, which means they have not yet been published and no full reference of their publication has been given. Resultantly, Unit-II is left with only 2 faculty.
2. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 01 seat after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in

accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

90. NIMS University (Deemed University), Jaipur - Recognition of MS(ENT) qualification for 02 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (May, 2014; January, 2016 and April, 2016) and compliance dated 16/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(ENT) qualification for 02 seats at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (May, 2014; January, 2016 and April, 2016) and compliance dated 16/05/2016 submitted by the college authorities and decided to recommend to the Central Government that MS(ENT) qualification for 02 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

The Postgraduate Medical Education Committee further decided that the recognition so granted shall be for a maximum period of 5 years from the date of Notification upon which the Institute shall have to apply for renewal of recognition. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course.

91. NIMS University (Deemed University), Jaipur - Recognition of MS(Orthopaedics) qualification for 02 seats in respect of students being trained at National Institute of Medical Science & Research, Jaipur.

Read: the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report (June, 2014 and November, 2015) and compliance dated 26/05/2016 submitted by the college authorities on the standard of examination and other teaching facilities for Recognition of MS(Orthopaedics) qualification for 02 seats at National Institute of Medical Science & Research, Jaipur granted by NIMS University (Deemed University), Jaipur.

The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (20/06/2016) along with the Council Assessor's Report

(June, 2014 and November, 2015) and compliance dated 26/05/2016 submitted by the college authorities and decided to recommend not to recognize MS(Orthopaedics) qualification for 02 seats granted by NIMS University (Deemed University), Jaipur in respect of students being trained at National Institute of Medical Science & Research, Jaipur because of the following facts:-

1. Out of 54 patients in male ward, there were 16 patients with fractures. Rest were admitted with knee pain, back ache with plan for joint replacement and some spine surgeries/procedures respectively. Out of 33 patients in female ward, there were 10 patients with fractures. Rest were admitted with knee pain, back ache with plan for joint replacement and some spine surgeries/procedures respectively. From the above, it appears that 72% patients in the Ward were admitted for assessment for Knee Surgery and Spine Surgery, which is not feasible. It only indicates that only 26 patients were genuine giving a bed occupancy of 28%.
2. Dr. Mukesh Tiwari, Professor in Unit III has been promoted as Professor with experience of only 3 years against 4 years required as per Regulations. However in the column of whether benefit of research publications is given, it is stated "No". Hence his promotion is not as per Regulations & he cannot be considered as faculty.
3. Resultantly, faculty complement is incomplete in Unit III as there are only 2 faculty in the Unit & it cannot be considered as PG Unit.
4. Dr. Sham Sunder Soni, Senior Resident, Unit-I was absent on the day of Assessment.
5. Dr. Prince Kumar Singh, Junior Resident was absent on the day of assessment. Resultantly, there is a deficiency of one Junior Resident in Unit-II.
6. Dr. Nishant Y.K. Sharma, Senior Resident, DNB from non-teaching hospital. He has no 3 years teaching experience at the tie of appointment as Senior Resident and hence, not eligible to be appointed as a Senior Resident.
7. Dr. Om Singh Meel, Asst. Professor was absent on the day of Assessment.
8. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.

92. Rajasthan University of Health Sciences, Jaipur – Recognition of MS/ MD (Anatomy) qualification for 4 seats in respect of students being trained at Mahatma Gandhi Medical College and Hospital, Jaipur – correction reg.

Read: the letter dated 02/06/2016 received from the Dean, Mahatma Gandhi Medical College & Hospital, Jaipur with regard to recognition of MS/ MD (Anatomy) qualification for 4 seats in respect of students being trained at Mahatma Gandhi Medical College and Hospital, Jaipur granted by Rajasthan University of Health Sciences, Jaipur.

The Postgraduate Medical Education Committee considered the letter dated 02/06/2016 received from the Dean, Mahatma Gandhi Medical College & Hospital, Jaipur with regard to recognition of MS/ MD (Anatomy) qualification for 4 seats in respect of students being trained at Mahatma Gandhi Medical College and Hospital, Jaipur granted by Rajasthan University of Health Sciences, Jaipur and decided to recommend the Central Government, Ministry of Health & Family Welfare to make necessary correction in the notification recognizing MS/MD (Anatomy) qualification for 4 seats granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at Mahatma Gandhi Medical College and Hospital, Jaipur with effect from 2012 instead of 2015.

93. Increase of seats in M.Ch. (Neuro-Surgery) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Council Assessor's Report (08/02/2016) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka for Increase of seats in M.Ch. (Neuro-Surgery) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by M.S. Ramaiah Medical College, Bangalore for increase of seats in M.Ch. (Neuro-Surgery) course from 1 to 2 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Increase of seats in M.Ch. (Neuro-Surgery) course at M.S. Ramaiah Medical College, Bangalore was carried out by the Council Assessor on 08/02/2016. The Assessment Report (08/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08/02/2016) and noted the following:

- 1. Dr. Kiran Khanapure has been promoted as Professor after cutoff date; however details of publications are not provided; hence it cannot be verified whether his promotion is as per Regulations or not.*
- 2. Dr. C.V. Gopal Krishnan, Professor has been promoted with experience of only 1 year 8 months as Professor against requirement of 4 years; hence he cannot be considered. Further, although he has been promoted after cut-off date, details of publications are not provided.*

3. Dr. T.J. Aniruddha has been promoted as Asso. Prof. after cutoff date; however details of publications are not provided; hence it cannot be verified whether his promotion is as per Regulations or not.
4. Details of experience of no Senior resident are provided in the faculty table.
5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in M.Ch. (Neuro-Surgery) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, M.S. Ramaiah Medical College, Bangalore vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08/02/2016) and compliance dated 28/03/2016 submitted by the college authorities and noted the following:

1. Promotion of Dr. Kiran Khanpure is not as per Regulations. She was Asst. Professor for 1 year 11 months against the requirement of 2 years and promoted Professor in 2016 after the cut-off date. All the 4 publications cited are case reports, which cannot be considered.
2. Promotion of Dr. T.S. Anirudh is not as per Regulations. He was promoted in 2015 after the cut-off date. All the 4 publications cited are case reports, which cannot be considered.
3. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in M.Ch. (Neuro-Surgery) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, M.S. Ramaiah Medical College, Bangalore vide letter dated 19/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08/02/2016) and compliance dated 19/04/2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. *Promotion of Dr. Kiran Khanpure is not as per Regulations. Deficiency remains as it is. It is for the institute to downgrade him and submit fresh Declaration Form along with fresh joining report as Asso. Prof. & relevant appointment order, in absence of which it is not possible for the Council to consider him as Asso. Prof.*
2. *There is no Senior Resident as per Faculty Table. Deficiency of Senior Resident: 1.*
3. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in M.Ch. (Neuro-Surgery) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 27/04/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 21/06/2016 forwarded by the Dean/Principal, M.S. Ramaiah Medical College, Bangalore for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	1			1	15/06/2011	1 to 2	1 to 2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 28/03/2016 and 19/04/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016 and on 26/04/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if

the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held on 13/04/2016 and 26/04/2016, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to increase of seats in M.Ch. (Neuro-Surgery) course at M.S. Ramaiah Medical College, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that

assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."*

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

94. Increase of seats in DM (Cardiology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (28/04/2016) along with the Council Assessor's Report (10/02/2016) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka for Increase of seats in DM (Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by M.S. Ramaiah Medical College, Bangalore for increase of seats in DM

(Cardiology) course from 1 to 2 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

“It may be stated that first Assessment for Increase of seats in DM (Cardiology) course at M.S. Ramaiah Medical College, Bangalore was carried out by the Council Assessor on 10/02/2016. The Assessment Report (10/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

“The Postgraduate Medical Education Committee considered the Council Assessor’s Report (10/02/2016) and noted the following:

1. Dr. Ravinarayan & Dr. Nagamallesh did not produce original ID and address proofs in spite of repeated requests.
2. Attendance sheet of faculty & Residents was not provided in spite of repeated requests.
3. Books in Central & Departmental Libraries are inadequate.
4. Clinical material is inadequate.
5. Department of Cardiology is run in association with Narayana Hrudayalaya.
6. There was not a single patient in Cardiology OPD at the time of starting assessment at 09:30 a.m. At 4 p.m., only 17 patients were registered in Cardiology OPD.
7. Most of the patients coming for Echo during assessment were actually for Executive Health Checkup and not patient in true sense, thus providing very little teaching material.
8. Average Bed occupancy is 55 – 60%.
9. Seminar room does not have fixed projector.
10. Paediatric Cardiology department has separate existence since 2013; however there was not a single patient in Paediatric Cardiology at time of assessment – i.e. 11:45 a.m.
11. None of the log books of PG students were signed by faculty till time of assessment.
12. Dr. Ravi Narayan, Asso. prof. is having D.M. qualification in Paediatric Cardiology & not in Cardiology as such; hence he cannot be considered as faculty in Cardiology department.
13. None of the Senior Residents possesses 3 years experience as Resident in Cardiology department; hence not qualified to hold the post.
14. Data of clinical material for last 3 years are not provided.
15. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Cardiology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Committee further decided that the Dean may be asked to clarify whether they are having such collaboration with Narayan Hrudyalaya for other Super-Speciality department as well.”

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, M.S. Ramaiah Medical College, Bangalore vide letter dated 30/03/2016 had submitted the compliance.

The matter along with the compliance report was considered by the Postgraduate Medical Education Sub-Committee at its meeting held on 08/04/2016 and the Sub-Committee decided to verify compliance by way of Assessment.

Accordingly, a Compliance Verification Assessment for Increase of seats in DM (Cardiology) course at M.S. Ramaiah Medical College, Bangalore was carried out by the Council Assessor on 28/04/2016.

The matter along with the compliance verification report was again considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (28/04/2016) along with the Council Assessor's Report (10/02/2016) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. Year of passing DM in case of Professor & HoD is not given in the faculty table.
2. Dr. Nagmalesh, Assoc. Professor passed DNB from non-teaching hospital. He has no 3 years experience in a teaching hospital at the time of appointment as Asst. Professor. Hence, not eligible.
3. Dr. Anupama Hegde passed DNB from non-teaching hospital. She has no 3 years experience as Junior Resident in a teaching institution. Hence, not eligible to be appointed as Senior Resident or Asst. Professor.
4. DM Students are shown as Senior Residents without showing 3 years experience as Resident in the department; hence none of them is qualified to hold the post; resultantly, there is NIL Senior Resident. Deficiency remains as such.
5. Bed occupancy has been computed taking into consideration patients in CCU also which is not permissible as beds in CCU are non-teaching beds.
6. OPD attendance was only 52 which is inadequate for increase in intake.
7. Department of Cardiology runs in association with Narayana Hrudayalaya. Institute has stated that it is for the purpose of co-branding only. Assessor has reported that all the clinical work & procedures are being done in the premises of M.S. Ramaiah Medical College. This implies that the true nature of association is not revealed. It is not clear who is carrying out the clinical work & procedures and what is the extent of training of PGs in such association.
8. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Cardiology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*

- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 21/06/2016 forwarded by the Dean/Principal, M.S. Ramaiah Medical College, Bangalore for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	1	1				1 to 2	1 to 2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG Sub-committee in its meeting held on 08/04/2016.

Thereafter, the compliance was verified by way of Assessment on 28/04/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 06/05/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to increase of seats in DM (Cardiology) course at M.S. Ramaiah Medical College, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition - i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various

stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to

submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

95. Increase of seats in DM (Endocrinology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (04/03/2016) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka for Increase of seats in DM (Endocrinology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by M.S. Ramaiah Medical College, Bangalore for increase of seats in DM (Endocrinology) course from 2 to 3 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Increase of seats in DM (Endocrinology) course at M.S. Ramaiah Medical College, Bangalore was carried out by the Council Assessor on 04/03/2016. The Assessment Report (04/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (04/03/2016) and noted the following:

1. *Dr. Surya Narayan K.M., Professor & HoD passed DM in 1994. He cannot be considered Asst. Professor from 1990 to 1992.*
2. *Although the institute claims to have 30 beds in the only Unit, on day of assessment only 20 beds – 10 in male & 10 in female wards - could be verified.*
3. *Details of Senior Resident are not provided.*
4. *Bed occupancy on day of assessment was only 10%.*
5. *On day of assessment only 2 patients were admitted.*
6. *There is no Departmental Library. Books were kept on a shelf in one OPD room on day of assessment. There are only 26 books.*
7. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Endocrinology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, M.S. Ramaiah Medical College, Bangalore vide letter dated 30/03/2016 had submitted the compliance.

The Compliance was considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (04/03/2016) and compliance dated 30/03/2016 submitted by the college authorities and decided to verify compliance by way of Assessment."

Accordingly, a Compliance Verification Assessment for Increase of seats in DM (Endocrinology) course at M.S. Ramaiah Medical College, Bangalore was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance verification report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (04/03/2016) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. None of Senior Resident possesses 3 years experience as Resident in this department in medical college; hence not qualified to hold the post; resultantly there is no Senior Resident.
2. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Endocrinology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 12/05/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 21/06/2016 forwarded by the Dean/Principal, M.S. Ramaiah Medical College, Bangalore for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	2	1		1 to 2	08/06/2011	2 to 3	2 to 3
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 12/05/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be

incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to increase of seats in DM (Endocrinology) course at M.S. Ramaiah Medical College, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act,

1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for

affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the

Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

96. Starting of DM (Medical Oncology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (08/02/2016) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka for Starting of DM (Medical Oncology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by M.S. Ramaiah Medical College, Bangalore for starting of DM (Medical Oncology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Starting of DM (Medical Oncology) course at M.S. Ramaiah Medical College, Bangalore was carried out by the Council Assessor on 08/02/2016. The Assessment Report (08/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08/02/2016) and noted the following:

1. *Dr. Shaiba Hussain, Senior Resident does not possess 3 years experience as Resident in the department; hence not eligible to hold the post.*
2. *Details of available teaching facilities are not provided.*
3. *Dr. Nalini Kilara, Professor & HoD passed DNB in 1995. All his experience is prior to 1995 in General Medicine. Hence, she is not eligible to be Professor of Medical Oncology.*
4. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Medical Oncology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, M.S. Ramaiah Medical College, Bangalore vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08/02/2016) and compliance dated 28/03/2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. *Dr. Shaiba Hussain, Senior Resident does not possess 3 years experience in the department of Medical Oncology; hence not qualified to hold the post. Deficiency remains as it is.*
2. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Medical Oncology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, M.S. Ramaiah Medical College, Bangalore vide letter dated 19/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08/02/2016) and compliance dated 19/04/2016 submitted by the college authorities and noted the following:

1. *Dr. B.J. Srinivas, Senior Resident passed DNB from non-teaching institution. He has no 3 years experience as Junior Resident in a medical college. Hence, not eligible.*
2. *Dr. Nalini Kilara, Professor & HoD worked from 1992 to 1995 as Professor of General Medicine at M.S. Ramaiah Medical College, Bangalore. Then, how could she pass DM (Oncology) in 1995 from Kidwai Memorial Hospital, Bangalore. It is not feasible that she worked at two places simultaneously.*
3. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Medical Oncology) course at M.S. Ramaiah Medical College, Bangalore under Rajiv Gandhi University of Health Sciences, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 27/04/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 21/06/2016 forwarded by the Dean/Principal, M.S. Ramaiah Medical College, Bangalore for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 28/03/2016 and 19/04/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016 and on 26/04/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held on 13/04/2016 and 26/04/2016, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to starting of DM (Medical Oncology) course at M.S. Ramaiah Medical College, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various

stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further

compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

97. Starting of M.Ch. (Urology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (16/11/2015) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada for Starting of M.Ch. (Urology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research, Chinoutpally for starting of M.Ch. (Urology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Starting of M.Ch. (Urology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally was carried out by the Council Assessor on 16/11/2015. The Assessment Report (16/11/2015) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (16/11/2015) and noted the following:

1. *As per page-6, of SAF, there is no Urology beds which means department is not in existence.*
2. *Dr. B. Satyanarayan, Assoc. Prof. promoted on 20.8.2015 without any publications which is not as per regulations. His PG degree is also not recognized.*
3. *Prior to October, 2014, there was only one Asstt. Prof. in the department. It cannot be accepted that large number of OPD/IPD and Major/Minor operations were performed in the last three years with only one Asstt. Prof. in the department. Obviously the data is not genuine.*
4. *Equipment like Urodynamics, ESWL are not available.*
5. *USG is not available in the department.*
6. *PG degree of Dr. B. Satyanarayana, Asso. Prof. is not recognized.*
7. *Dr. N. Phanindra Kumar & Dr. Ch. Sunil Chaudhary, Senior Residents do not have 3 years experience as Resident in the subject.*
8. *Declaration Forms are not filled properly.*
9. *Patients are admitted under department of Surgery.*

10. No specialty clinics are run.
11. Departmental Library has only 60 books.
12. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Urology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally vide letter dated 30/03/2016 had submitted the compliance.

The Compliance was considered by the Postgraduate Medical Education Sub-Committee at its meeting held on 08/04/2016 and the Sub-Committee decided to verify compliance by way of Assessment.

Accordingly, a Compliance Verification Assessment for Starting of M.Ch. (Urology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance verification report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (16/11/2015) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. Dr. B. Satyanarayan has been promoted as Asso. Prof. after cutoff date; both the publications cited in the list are case reports & he is not 1st or 2nd author. Hence they cannot be considered; resultantly his promotion is not as per Regulations and he cannot be considered as faculty.
2. Both the Senior Residents Dr. J. Anil & Dr. Ch. Sunil Chowdhary do not possess 3 years experience as Resident in this department; hence not qualified to hold the post; resultantly there is no Senior Resident.
3. Dr. S. Jairam Reddy, 2nd Professor claimed to have been appointed by the institute was not present during this assessment; hence he cannot be considered; resultantly there is deficiency of faculty: (a) Asso. Prof.: 1.
4. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of M.Ch. (Urology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 12/05/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Not mentioned	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG Sub-committee in its meeting held on 08/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 12/05/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to starting of M.Ch. (Urology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd

condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria

shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

98. Starting of DM (Cardiology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (16/11/2015) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada for Starting of DM (Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally for starting of DM (Cardiology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Starting of DM (Cardiology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally was carried out by the Council Assessor on 16/11/2015. The Assessment Report (16/11/2015) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (16/11/2015) and noted the following:

1. *As per page-6 of SAF, there are no Cardiology beds in Hospital which means the department is not in existence.*

2. Dr. G. Ravi, Assoc. Prof. promoted on 4.4.2015 without any publications, hence his promotion is not as per Regulations.
3. Before 14.11.2014, none of these faculty members were working in this institution then how three years OPD/IPD data of Cardiology department has been provided and that also in large number. If there was no faculty, obviously the data is not genuine.
4. Dr. K. Kishore & Dr. U. Ravindra, Senior Residents do not have 3 years experience in the subject; resultantly there is no Senior Resident.
5. Pacemaker clinic is run only twice a month.
6. Departmental Library has only 60 books.
7. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Cardiology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally vide letter dated 30/03/2016 had submitted the compliance.

The Compliance was considered by the Postgraduate Medical Education Sub-Committee at its meeting held on 08/04/2016 and the Sub-Committee decided to verify compliance by way of Assessment.

Accordingly, a Compliance Verification Assessment for Starting of DM (Cardiology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance verification report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (16/11/2015) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. Dr. G. Ravi, Asso. Prof. has been promoted after cutoff date; however there are no research publications to his credit in indexed journals. Hence he cannot be considered as faculty.
2. Both the Senior Residents Dr. K. Kishore & Dr. U. Ravindra do not possess 3 years experience as Resident in this department; hence not qualified to hold the post; resultantly there is no Senior Resident.
3. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Cardiology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 12/05/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 21/06/2016 forwarded by the Dean/Principal, Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Not mentioned	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG Sub-committee in its meeting held on 08/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 12/05/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance

verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to starting of DM (Cardiology) course at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

*2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."*

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in

agenda note above). Thus this institution is not covered within aforementioned 2nd condition - i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete

and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

99. Starting of DM (Neurology) course at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (14/03/2016) and compliance dated 18/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar under Dr. NTR University of Health Sciences, Vijayawada for Starting of DM (Neurology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Chalmeda Anand Rao Institute of Medical Sciences, Karimnagar for starting of DM (Neurology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Starting of DM (Neurology) course at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar was carried out by the Council Assessor on 14/03/2016. The Assessment Report (14/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 23/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (14/03/2016) and noted the following:

1. Dr. G.V. Vamshinandan Rao does not possess 3 years experience as Resident in the department; hence not qualified to hold the post.
2. Departmental Library has only 46 books.

3. *On the day of Assessment, there were only 11 MRI in the entire hospital, which indicate inadequate clinical material.*
4. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Neurology) course at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 25/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar vide letter dated 05/04/2016 had submitted the compliance.

The Compliance was considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (14/03/2016) and compliance dated 05/04/2016 submitted by the college authorities and decided to verify compliance by way of Assessment."

Accordingly, a Compliance Verification Assessment for Starting of DM (Neurology) course at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance verification report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (14/03/2016) and compliance dated 05/04/2016 submitted by the college authorities and noted the following:

1. *As per report, there was no JR in the department by the name Dr. D.Indira. There were two JR (Jagdish Kumar B & Dogga Sudhakar) names in the compliance. It is shown that Dr.D.Indira worked as JR in the department from 8.4.2013 to 8.4.2016 and promoted SR on 9.4.2016 which is not feasible. The PG Committee decided to seek clarification from the Dean and D.Indira for the same within two weeks.*
2. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Neurology) course at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 12/05/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 18/06/2016 forwarded by the Dean/Principal, Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Not mentioned	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 05/04/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 12/05/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in

the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to starting of M.Ch. (Neurology) course at Chalmeda Anand Rao Institute Of Medical Sciences, Karimnagar u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme

/ application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the

concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

100. Increase of seats in M.Ch. (CTVS) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (05/02/2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University for Increase of seats in M.Ch. (CTVS) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by B.J. Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) for increase of seats in M.Ch. (CTVS) course from 3 to 10 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Increase of seats in M.Ch. (CTVS) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) was carried out by the Council Assessor on 05/02/2016. The Assessment Report (05/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (05/02/2016) and noted the following:

1. *Director of the Cardiology Institute is not a Cardiologist and he has been honorary Asst., Assoc. and Professor of Medicine, which is not as per Regulations.*
2. *Salary of Professors is 1/3 of Assoc. Professors, which indicate that the Professor is not full time working.*
3. *Details of Senior Residents are not provided.*

4. Dr. Gaurang B. Shah has been designated as Senior Consultant in Cardio Vascular Thoracic Surgery & Assistant Professor in Cardio Vascular Thoracic Surgery which is not an acceptable nomenclature.
5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in M.Ch. (CTVS) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) vide letter dated 29/03/2016 had submitted the compliance.

The Compliance has been considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (05/02/2016) and compliance dated 29/03/2016 submitted by the college authorities and decided to verify compliance by way of Assessment."

Accordingly, a Compliance Verification Assessment for Increase of seats in M.Ch. (CTVS) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (05/02/2016) and compliance dated 29/03/2016 submitted by the college authorities and noted the following:

1. Promotion of Professor in Unit-I, Dr. A.P. Malhotra is not as per Regulations. He was Assoc. Professor for 3 years 1 month against the requirement of 4 years and he has no publications to his credit.
2. Senior Resident, Unit-I, Dr. Amit Dilip Bhai Kandre is not eligible. He has no 3 years experience as Junior Residents in CTVS department in a medical college. Hence, not eligible.
3. Professor, Unit-II, Dr. Amit Anant Bhai Mishra has been appointed as Professor Paediatric Cardio Thoracic and Vascular Surgery. Hence, his appointment is not in the department of CTVS and he cannot be considered.
4. Senior Resident, Unit-II, Dr. Hitesh Kumar Nanlal Patani is not eligible. He has no 3 years experience as Junior Residents in CTVS department in a medical college. Hence, not eligible.
5. Senior Resident, Unit-III, Dr. Hardik P. Patel is not eligible. He has no 3 years experience as Junior Residents in CTVS department in a medical college. Hence, not eligible.
6. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in M.Ch. (CTVS) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-speciality courses for 2016-17 at various Government Medical Institutions has stated as under:

"....

2. *The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Speciality courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.*

3. *The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."*

The Central Government has requested to reconsider the matter with regard to increase of seats in M.Ch. (CTVS) course at B.J. Medical College, Ahmedabad.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 14/06/2016 for its consideration and the Committee decided not to recommend for increase of seats in M.Ch. (CTVS) course at B.J. Medical College, Ahmedabad.

The above decision of the Postgraduate Medical Education Committee has been communicated to the Central Government vide Council's letter dated 15/06/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in

Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, B.J. Medical College, Ahmedabad for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	3			3	2013-14	3 to 10	3 to 10
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 29/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 06/05/2016 and by circulation on 14/06/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to increase of seats in M.Ch. (CTVS) course at B.J. Medical College, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a

number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

*2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."*

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would

be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of

India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

101. Increase of seats in DM (Cardiac Anaesthesia) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (22/01/2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University for Increase of seats in DM (Cardiac Anaesthesia) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by B.J. Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) for increase of seats in DM (Cardiac Anaesthesia) course from 3 to 12 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Increase of seats in DM (Cardiac Anaesthesia) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) was carried out by the Council Assessor on 22/01/2016. The Assessment Report (22/01/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (22/01/2016) and noted the following:

1. *Director of the Cardiology Institute is not a Cardiologist and he has been honorary Asst., Assoc. and Professor of Medicine, which is not as per Regulations.*
2. *Salary of Professors is 1/3 of Assoc. Professors, which indicate that the Professor is not full time working.*
3. *Dr. Varsha Sarvaiya, Professor & HOD does not possess 2 years training in Cardiac Anaesthesia. It is also not clear whether she was holding faculty position in Cardiac Anaesthesia or not in the previous institute.*
4. *Dr. Jigar M. Surti has been designated as Consultant Cardiac Anaesthetist (Paediatric) & Paediatric Intensivist & Assistant Professor of Cardiac Anaesthesiology which is not an acceptable designation as per MCI nomenclature.*
5. *Faculty table shows hybrid of faculty, some of them holding posts in Cardiac Anaesthesiology & some of them holding posts in Anaesthesiology. This needs to be segregated and only faculty holding posts in Cardiac Anaesthesiology need to be included in the faculty table and shown in assessment.*
6. *Director of the Cardiology Institute is not a Cardiologist and he is honorary Asst., Assoc. and Professor of Medicine, which is not as per Regulations.*
7. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Cardiac Anaesthesia) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research

Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) vide letter dated 29/03/2016 has submitted the compliance.

The Compliance has been considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (22/01/2016) and compliance dated 29/03/2016 submitted by the college authorities and decided to verify compliance by way of Assessment."

Accordingly, a Compliance Verification Assessment for Increase of seats in DM (Cardiac Anaesthesia) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (22/01/2016) and compliance dated 29/03/2016 submitted by the college authorities and noted the following:

1. *Professor & HoD, Dr. Varsha Upendrasinh Sarvalya retired from N.H.L. as Professor of Anaesthesia (not Cardiac Anaesthesia). Hence, her appointment as Professor of Cardiac Anaesthesia is not as per Regulations. There is no Certificate of 2 years special training in Cardiac Anaesthesia at the time of her appointment.*
2. *Dr. Ritesh Babulal Shah is not eligible. There is no Certificate of 2 years special training in Cardiac Anaesthesia at the time of her appointment.*
3. *No Faculty has 2 years special training in Cardiac Anaesthesia.*
4. *No Senior Resident is eligible. No 3 years experience as Junior Resident in Cardiac Anaesthesia.*
5. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Cardiac Anaesthesia) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-speciality

courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Speciality courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.

3. The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."

The Central Government has requested to reconsider the matter with regard to increase of seats in DM (Cardiac Anaesthesia) course at B.J. Medical College, Ahmedabad.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 14/06/2016 for its consideration and the Committee decided not to recommend for increase of seats in DM (Cardiac Anaesthesia) course at B.J. Medical College, Ahmedabad.

The above decision of the Postgraduate Medical Education Committee has been communicated to the Central Government vide Council's letter dated 15/06/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, B.J. Medical College, Ahmedabad for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	3			3	2013-14	3 to 12	3 to 12
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 29/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 06/05/2016 and by circulation on 14/06/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any

deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to increase of seats in DM (Cardiac Anaesthesia) course at B.J. Medical College, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed

decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

102. Increase of seats in DM (Cardiology) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (18/01/2016) and compliance dated 20/06/2016

submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University for Increase of seats in DM (Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by B.J. Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research) for increase of seats in DM (Cardiology) course from 8 to 14 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Increase of seats in DM (Cardiology) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) was carried out by the Council Assessor on 18/01/2016. The Assessment Report (18/01/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (18/01/2016) and noted the following:

- 1. Director of the Cardiology Institute is not a Cardiologist and he has been honorary Asst., Assoc. and Professor of Medicine, which is not as per Regulations.*
- 2. Salary of Professors is 1/3 of Assoc. Professors, which indicate that the Professor is not full time working.*
- 3. Faculty given in table does not match with faculty given on page 1, sl. No. 4 of SAF.*
- 4. There are only 2 faculty shown in Units 2, 3 & 4 in the faculty table; resultantly faculty complement is incomplete in these 3 Units and they cannot be considered as PG Units.*
- 5. No Senior Residents are shown.*
- 6. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Cardiology) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) vide letter dated 29/03/2016 had submitted the compliance.

The Compliance was considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (18/01/2016) and compliance dated 29/03/2016 submitted by the college authorities and decided to verify compliance by way of Assessment."

Accordingly, a Compliance Verification Assessment for Increase of seats in DM (Cardiology) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) was carried out by the Council Assessor on 02/05/2016.

The matter along with the compliance verification report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (18/01/2016) and compliance dated 29/03/2016 submitted by the college authorities and noted the following:

1. 3 Senior Residents have experience of 3 years in Cardiology as PGDCC resident / Trained Cardiac Medical Officer.
2. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Cardiology) course at B J Medical College, Ahmedabad (attached with U.N. Mehta Institute of Cardiology & Research Centre) under Gujarat University u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 12/05/2016.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-speciality courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Speciality courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.

3. The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."

The Central Government has requested to reconsider the matter with regard to increase of seats in DM (Cardiology) course at B.J. Medical College, Ahmedabad.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 13/06/2016 for its consideration and the Committee decided to recommend for increase of one seat i.e. from 8 to 9 seats in DM (Cardiology) course at B.J. Medical College, Ahmedabad.

The above decision of the Postgraduate Medical Education Committee has been communicated to the Central Government vide Council's letter dated 15/06/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, B.J. Medical College, Ahmedabad for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	8	7		7 to 8	2014-15	8 to 14	8 to 14
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 29/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016.

Thereafter, the compliance was verified by way of Assessment on 02/05/2016 and was considered by the Postgraduate Medical Education Committee in its meeting held on 12/05/2016 and by circulation on 13/06/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the

processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to increase of seats in DM (Cardiology) course at B.J. Medical College, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). The third compliance submitted by the college was received from the Central Government vide letter dated 07/06/2016 (last day when the Ministry was to take its final decision) in the Council office, which was considered by Circulation (since there was no time to convene a meeting) and the

institution was given increase of one seat in DM (Cardiology) course by an unanimous decision received from 6 members (details in agenda note). No further action is required.

103. Increase of seats in DM (Neurology) course at Smt. N.H.L. Municipal Medical College, Ahmedabad, Gujarat under Gujarat University, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (11/02/2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Smt. N.H.L. Municipal Medical College, Ahmedabad, Gujarat under Gujarat University, Ahmedabad for Increase of seats in DM (Neurology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Smt. N.H.L Municipal Medical College, Ahmedabad, Gujarat for increase of seats in DM (Neurology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for increase of seats in DM (Neurology) course at Smt. N.H.L. Municipal Medical College, Ahmedabad, Gujarat was carried out by the Council Assessor on 11/02/2016. The Assessment Report (11/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (11/02/2016) and noted the following:

1. *PG degree of Dr. Mayank M. Patel is not recognized.*
2. *Resultantly, there is no Asso. prof. in the only Unit; hence faculty complement is incomplete in Unit I & it cannot be considered as PG Unit.*
3. *Dr. Pranav Joshi is DNB from non-teaching. He has no 3 years experience in a Medical College. Hence, he is not eligible to hold the post of Asst. Professor.*
4. *None of Senior Residents possesses 3 years experience as Resident in the subject; hence not qualified to hold the post.*
5. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Neurology) course at Smt. N.H.L. Municipal Medical College, Ahmedabad, Gujarat under Gujarat University, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

No compliance was received from the college authorities within the stipulated time.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, Smt. N.H.L. Municipal Medical College, Ahmedabad for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	1	1	2012			Not mentioned	increasing capacity of 3 seats from existing 1 seat
Diploma							

In this regard, it is stated that the college was given the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. However, no compliance was submitted by the college authorities within stipulated time.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various

stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection. In the instant case, inspite of opportunity given to them in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 no compliance was received.

In view of the above, the matter with regard to increase of seats in DM (Neurology) course at Smt. N.H.L. Municipal Medical College, Ahmedabad u/s

10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies within 4 weeks, which had been communicated by the Council after consideration of initial inspection report on 17/03/2016. However, the college did not submit any compliance. An appropriate decision after consideration of the initial inspection report has been taken in the instant case and communicated to the Central Government and the college on 17/03/2016 (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their

part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by

way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letter dt. 17/03/2016 but no compliance was submitted by the Institute.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

104. Starting of DM (Nephrology) course at JSS Medical College, Mysore under JSS University, Mysore u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Council Assessor's Report (15/02/2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at JSS Medical College, Mysore under JSS University, Mysore for Starting of DM (Nephrology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by JSS Medical College, Mysore for starting of DM (Nephrology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for Starting of DM (Nephrology) course at JSS Medical College, Mysore was carried out by the Council Assessor on 15/02/2016. The Assessment Report (15/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (15/02/2016) and noted the following:

1. *Prof. & HOD passed DNB from a non-teaching hospital. At the time of appointment as Asstt. Professor, he had no three years experience in a medical college and hence not eligible to be appointed as Asstt. Prof.*
2. *Dr. C. Manoj, Senior Resident, does not have 3 years experience as Resident in medical college; hence not qualified to hold the post; resultantly there is no Senior Resident.*
3. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Nephrology) course at JSS Medical College, Mysore under JSS University, Mysore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, JSS Medical College, Mysore vide letter dated 29/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (15/02/2016) and compliance dated 29/03/2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. *One of the remark was pertaining to Dr. M.S. Shetty, Professor & HOD being not eligible as he is DNB & could not have been appointed as Asst. Prof. as DNB was from non-teaching hospital & he did not have 3 years experience prior to appointment as Asst. Prof. In the compliance it is stated that he is with this institute since 2005 and he has been accepted on a previous inspection dt. 03/03/2014. However, no compliance is given with regard to his being not eligible. As such deficiency remains as it is.*
2. *Dr. C. Manoj, Senior Resident does not possess experience of 3 years in the department in a medical college; hence not qualified to hold the post. Deficiency remains as it is. He is DNB Nephrology from non-teaching hospital.*
3. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Nephrology) course at JSS Medical College, Mysore under JSS University, Mysore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, JSS Medical College, Mysore vide letter dated 20/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (15/02/2016) and compliance dated 20/04/2016 submitted by the college authorities as well as the explanation submitted in person by representatives of the college and noted the following:

Compliance is not satisfactory.

1. *Deficiency of ineligibility of Dr. Majunath Shetty, Professor & HOD remains as it is.*
2. *Dr. C. Manoj does not have 3 years experience as Resident in Nephrology; hence not qualified to hold the post. Deficiency remains as it is.*
3. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Nephrology) course at JSS Medical College, Mysore under JSS University, Mysore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 27/04/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, JSS Medical College, Mysore for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 29/03/2016 and 20/04/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016 and on 26/04/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of

permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned..."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the

first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held on 13/04/2016 and 26/04/2016, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to starting of DM (Nephrology) course at JSS Medical College, Mysore u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said

deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

105. Starting of DM (Gastroenterology) course at Kurnool Medical College, Kurnool under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (14/03/2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Kurnool Medical College, Kurnool under Dr. NTR University of Health Sciences, Vijayawada for Starting of DM (Gastroenterology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Kurnool Medical College, Kurnool for starting of DM (Gastroenterology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that first Assessment for starting of DM (Gastroenterology) course at Kurnool Medical College, Kurnool was carried out by the Council Assessor on 14/03/2016. The Assessment Report (14/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 30/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (14/03/2016) and noted the following:

1. As per SAF column 6, there are no beds of Gastroenterology, which means the department does not exist.
2. No orders of competent authority creating department of Gastroenterology and appointment and promotion orders of faculty in the department of Gastroenterology are attached. If there was no department of Gastroenterology, how could Professor & HoD, Dr. B. Sankara Sharma could work as Asst. Professor from 1999 to 2008 in Gastroenterology.

3. *Postgraduate Degree of Dr. G. Mohan Reddy is not recognized.*
4. *Dr. V. Venkata Ranga, Assoc. Professor worked in Kurnool Medical College from 1999 to 2009. There are no orders of competent authority appointing him Asst. Professor in Gastroenterology. Hence, he cannot be considered.*
5. *Both the Senior Residents are MD (General Medicine) without 3 years experience as Junior Resident in a Medical College in Gastroenterology.*
6. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Gastroenterology) course at Kurnool Medical College, Kurnool under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 31/03/2016 with a copy to the College Authorities.

No compliance was received from the college authorities within the stipulated time.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Kurnool Medical College, Kurnool for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						3	3
Diploma							

In this regard, it is stated that the college was given the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. However, no compliance was submitted by the college authorities within stipulated time.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned...”

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection. In the instant case, inspite of opportunity given to them in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 no compliance was received.

In view of the above, the matter with regard to starting of DM (Gastroenterology) course at Kurnool Medical College, Kurnool u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies within 4 weeks, which had been communicated by the Council after consideration of initial inspection report on 31/03/2016. However, the college did not submit any compliance. An appropriate decision after consideration of the initial inspection report has been taken in the instant case and communicated to the Central Government and the college on 31/03/2016 (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if

the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letter dt. 31/03/2016 but no compliance was submitted by the Institute.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

106. Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Council Assessor’s Report (30th November 2015) and compliance dated 17/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune for Starting of DM (Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for starting of DM (Cardiology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

“It may be stated that First Assessment for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on

30/11/2016. The Assessment Report (30/11/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and noted the following:

1. On the day of Inspection, bed occupancy was 50%.
2. Dr. Jagdish Hiremath is shown as Professor & HOD.; however it appears that he is not at all working in the department as his name does not appear in in any of the procedures done in the department whether invasive or non-invasive. He was not aware of surroundings and the department. His promotion is not as per Regulations. He was Assoc. Professor for 3 years 10 months and promoted on 01/01/2015 without any publication.
3. Dr. Chanderkant Chavan, Assoc. Professor passed DNB in 2006 from Nanawati Hospital. How could he be Senior Resident from 2004 to 2005 in GMC, Mumbai. As per faculty table, he spent no period in Nanawati Hospital, then how could he do DNB from that Hospital. Hence, cannot be considered.
4. Patient load is very less.
5. There were not more than 10 patients admitted in Cardiology ward with proper Cardiac conditions.
6. Doctors are not sitting in designated OPD block; they conduct OPD from the department which is not as per norms.
7. None of Senior Residents possesses 3 years experience as Resident in Cardiology department in a medical college.
8. Average daily OPD is 25 which is inadequate.
9. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and compliance dated 28th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. Average daily OPD is 35-40.
2. None of the Senior Residents has 3 years experience as Resident in the department; hence not qualified to hold the post.
3. Dr. Chandrakant Chauhan, Assoc. Professor is shown Asst. Professor from 01/08/2008 to 01/08/2010 in the Assessment Report. In the compliance, he is shown as Senior Resident from 01/08/2007 to 31/07/2009. He was shown Assoc. Professor from 02/08/2010 to till date in the original report in the compliance, he

- is shown Assoc. Professor from 01/08/2013 till date. The dates and designations have been changed, which is not permissible.
- 4. The Dean may be asked to explain the change of dates and designations.
 - 5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 17/06/2016 forwarded by the Dean/Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 28/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance

verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance has been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered

within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria

shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letter dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

107. Starting of M.Ch. (Urology/Genito-Urinary Surgery) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (30th November 2015) and compliance dated 17/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune for Starting of M.Ch. (Urology/Genito-Urinary Surgery) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for starting of M.Ch. (Urology/ Genito-Urinary Surgery) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of M.Ch. (Urology/Genito-Urinary Surgery) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on 30/11/2016. The Assessment Report (30/11/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and noted the following:

1. Brig. Davinder Kumar Jain worked as Asstt. Professor from 1999-2003 at Command Hospital, Lucknow where there is no M.Ch. Urology and Deptt. of Urology, hence, his experience from there cannot be counted. Resultantly, his promotion is not as per MCI Regulations.
2. Dr. Ibrahim Kothawala passed DNB from Ruby Hall which is a non-teaching hospital. He has no teaching experience in a medical college at the time of appointment as Asstt. Professor. Hence He is not eligible to hold the post of Asstt. Professor.
3. Out of 30 operations (list enclosed) per month upto 30.11.2015, only 4 were Urological Surgeries, which is very less.
4. Dr. S. P. Dhangar, Senior Resident does not possess three years experience as Resident in Urology in a Medical College. He is DNB Surgery from non-teaching hospital.
5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Urology/Genito-Urinary Surgery) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and compliance dated 28th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. Dr. S.P. Dhangar, Senior Resident does not possess 3 years experience as Resident in the department in a medical college; hence not qualified to hold the post.
2. Deficiency 2 stays as such. Dr. Ibrahim Kothawala has only 1 year 10 months experience instead of required 3 years at the time of appointment as Asst. Professor. His experience at Ruby Hall cannot be counted.
3. There is no Certificate of experience from Competent Authority of the Office of Director General Armed Forces Medical Services (DGAfms) specifying the subject, period and place of posting as Graded Specialist, Classified Specialist and advisor without which their equated teaching designations cannot be calculated. No other certificate signed by any other authority will be entertained.
4. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Urology/Genito-Urinary Surgery) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17.."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 17/06/2016 forwarded by the Dean/Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 28/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance has been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of M.Ch. (Urology/Genito-Urinary Surgery) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition - i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

108. Starting of DM (Neonatology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (05th February 2016) and compliance dated 17/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune for Starting of DM (Neonatology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for starting of DM (Neonatology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Neonatology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune U/s 10(A) of the IMC Act, 1956 was carried out by the Council Assessor on 05/02/2016. The Assessment Report (30/11/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (05th February 2016) and noted the following:

1. Faculty available in the department is inadequate as under:

a. Dr. Pradeep Suryawanshi is working as Professor, Neonatology and he has a total teaching experience of 8 years and 11 months. Teaching experience of 17 years and 3 months as written in SAF is not correct. He has total 13 publications however they are mostly in non-indexed journals. Dr. Pradeep Suryavanshi promoted Professor in 2015 without any publications. He neither has DM qualification nor 2 years special training in Neonatology.

b. Dr. Nandini Malchy, Assoc. Professor had no special training of two years in Neonatology, hence not eligible to hold the post. Dr. Nandini Malshe is working as Associate Professor. She has teaching experience of 5 years and 1 month. Teaching experience of 14 years and 1 month as written in SAF is not correct.

She has no formal training in neonatology for 2 years. Her BVDU clinical fellowship in Neonatology from April 2004 till March 2005 overlaps with her junior residency period. During her IAP Neonatology fellowship from 2010-2011, at Rainbow Children's hospital, Hyderabad, she has been shown as Assistant Professor in Pediatrics and Neonatology at Pune, BVDU. How she can be in 2 places at the same period? Both the above points need clarification. She has total 5 publications however they are mostly in non-indexed journals.

c. Dr. Sujata Deshpande worked at Kolencherry which does not have DM(Neonatology) department, hence her experience cannot be counted. Neither her appointment nor promotion is in accordance with the Regulations. Dr. Sujata Deshpande joined on 01/09/2015 as Assistant Professor (1 month) and now working as Associate Professor for last 4 months. She has a total teaching experience of 3 years as Assistant Professor. Her clinical fellowship in Neonatology at BVDU during 2004 – 2005 overlaps with her experience shown as Assistant Professor in Pediatrics. She has no formal training in Neonatology in India however she worked as a fellow in Australia for 2 years. She has only 1 publication.

d. Dr. Sachin S. Shah has joined as Assistant Professor on 02/11/2015 (working for last 3 months). He did his DM in Neonatology from LTM Medical College, Mumbai from 01/07/1996 till 05/10/1998 (2 years 4 months). From 1998 till now (last 17 years) he has no teaching experience which is not acceptable for a faculty position.

2. Teaching roster of training provided in the department is unsatisfactory. There is no name & designation of the presenter. Structured teaching programme is not provided.

3. Duty roster / clinical training is not clear. Roster provided does not contain time schedule and which aspects of Neonatology covered. How can 1 person manage whole department in a shift needs clarification.

4. As per SAF no Neonatology department exists. In SAF, on P. 6 there is no mention of Neonatology department; only 3 Units of Paediatrics are mentioned.

5. Dr. Amol Pokharkar, Senior Resident, does not possess 3 years experience as Resident in Neonatology department in a medical college.

6. Table-7 on page-2 has been altered instead of providing yearly OPD, IPD, data of high risk OPD and monthly IPD has been provided.

7. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Neonatology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (05th February 2016) and compliance dated 28th March 2016 submitted by the college authorities and noted the following:

1. Dr. Pradeep Suryavanshi – Deficiency stays as such. His period of trainee cannot be counted as experience. He is promoted Professor after the cut-off date on 01/03/2015 without any publications, which is not as per Regulations.
2. Dr. Nandini Mhalse, Assoc. Professor:
 - a. In earlier report, from 01/04/2004 to 31/03/2005, no fellowship training was shown to her credit, which has now been shown in the compliance.
 - b. In the earlier report, she was shown Asst. Professor in Paediatrics from 01/08/2008 to 31/12/2010. Now the same has been changed to Neonatology and as on Fellowship.
3. All dates and designations have been changed from previous report, which is not permissible. The Dean may be asked to explain, how these changes have been done.
4. An Institution (BVDUMC), which is not even granted LoP for starting DM course cannot be considered entitled to impart special training in that subject.
5. Dr. Sujata Deshpandey – The deficiency of Dr. Sujata Deshpandey stays as such. In 2012, Kolenchery had no permission for DM (Neonatology). It was granted in 2013-14.
6. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Neonatology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17..”

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 17/06/2016 forwarded by the Dean/Principal,

Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 28/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance has been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Neonatology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats

- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."*

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

109. Starting of DM (Critical Care Medicine) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (30th November 2015) and compliance dated 17/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune for Starting of DM (Critical Care Medicine) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for starting of DM (Critical Care Medicine) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Critical Care Medicine) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on 30/11/2016. The Assessment Report (30/11/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and noted the following:

- 1. Prof. S.S. Iyer has not worked as Asstt. Professor in Critical Care Medicine. His experience of ICU cannot be counted. Resultantly, his promotion is not as per Regulations.*
- 2. No certificate of two years special training has been provided by Dr. S.S. Iyer. Resultantly, there are only two faculty in the unit.*
- 3. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Critical Care Medicine) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and compliance dated 28th March 2016 submitted by the college authorities and noted the following:

Compliance not satisfactory. Deficiencies stay as such.

- 1. Experience of Dr. S.S. Iyer as Senior Resident, Lecturer and Asst. Professor has been changed from ICU (earlier report) to Critical Care Medicine in the compliance, which is not permissible.*
- 2. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Critical Care Medicine) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 17/06/2016 forwarded by the Dean/Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 28/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in

conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance has been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Critical Care Medicine) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A)

of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration.”

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

“.... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval “and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections”. The Oversight Committee vide its order dated 13.06.2016 had decided as under:

*2. To permit all applicant colleges “which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17”, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
....”*

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on

all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to

provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

110. Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli, Maharashtra under Bharati Vidyapeeth Deemed University, Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (05/05/2016) along with the Council Assessor's Report (08th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli, Maharashtra under Bharati Vidyapeeth Deemed University, Pune for Starting of DM (Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli, Maharashtra for starting of DM(Cardiology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on 08/02/2016. The Assessment Report (08/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (08th February 2016) and noted the following:

1. *There is no Professor in the department.*
2. *Dr. Ashok V. Deshpandey, Senior Resident has 3 years experience in Cardiology only at this institute.*
3. *Details of clinical material of the department are not provided.*
4. *The seats requested and consent of affiliation Nil.*
5. *As per department wise bed strength of the hospital (Page-4 of SAF) there is no department of Cardiology in existence.*
6. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli, Maharashtra under Bharati Vidyapeeth

Deemed University, Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17.."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Pune vide letter dated 26/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 30/03/2016 and the Committee decided to defer the matter.

The matter along with the Compliance report was once again considered by the Postgraduate Medical Education Sub-Committee at its meeting held on 08/04/2016 and the Committee decided to verify compliance by way of assessment.

Accordingly, a compliance verification assessment for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli, Maharashtra was carried out by the Council Assessor on 05th May 2016.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (05/05/2016) along with the Council Assessor's Report (08/02/2016) and compliance dated 26/03/2016 submitted by the college authorities and noted the following:

1. OPD attendance is only 10 on day of assessment.
2. With regard to quality of teaching material, there was hardly any patient of Chronic Rheumatic Heart Disease.
3. There is wide fluctuation in OPD attendance from 1-2/day to 25-30/day.
4. A doctor with BAMS qualification was found managing patients in male cardiac ward.
5. Case sheets are not properly written.
6. Specialty clinics are non-functional since November 2015.
7. There is hardly any patient of Chronic Rheumatic heart disease; congenital heart disease or Heart failure admitted in any of the Cardiology wards. Almost all the patients are of Coronary Artery disease.
8. There is a wide fluctuation in OPD patients ranging from 1 – 2 per day to 25-30 per day in some other days.
9. Similarly, there is a wide fluctuation in the number of cath. Procedures ranging from 1-2 per day to 8-9 per day. On the day of inspection @ 10:00 A.M. the patient list posted for cardiac cath. was only 3, but by 3 PM the Medical Superintendent has given a signed paper showing that by 3 PM, 7 procedures has been performed.
10. A BAMS doctor was found managing the patients in Male Cardiac Ward.
11. Case sheets are hardly written. A cursory note of presenting complaints and vitals are being made in case sheet. Vitals are being checked and entered in case sheet daily.
12. Many patients are having more than one case sheet.
13. Speciality clinics have been stopped from November, 2015.

- 14. There is no CT Surgery department.
- 15. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli, Maharashtra under Bharati Vidyapeeth Deemed University, Pune u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 26/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 12/05/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance

verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to Starting of DM (Cardiology) course at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli under Bharati Vidyapeeth University (Deemed), Pune u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

*2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."*

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in

agenda note above). Thus this institution is not covered within aforementioned 2nd condition - i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete

and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

111. Starting of DM (Infectious Disease) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (24th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai for Starting of DM (Infectious Disease) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Christian Medical College, Vellore, Tamilnadu for starting of DM (Infectious Disease) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Infectious Disease) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 24/02/2016. The Assessment Report (24/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and noted the following:

1. Dr. Priscilla Rupati, Professor & HOD is shown as having worked at this institute as Asso. Prof. from 18/06/2004 to 17/06/2008; however she is also shown as having worked as Senior Fellow at Auckland City Hospital, New Zealand from

01/04/2005 to 24/10/2006 (i.e. within the period shown as Assoc. Prof. in the institute) which is not permissible and needs clarification. Further she is also shown as having acquired Diploma in Tropical Medicine & Hygiene from Gorgas Memorial Institute of Tropical & Preventive Medicine, Inc. This needs clarification. At the time of appointment as Asstt. Professor on 2.6.1999, she neither had diploma in Tropical Medicine nor two years special training in Infectious Disease service.

2. Dr. George M. Verghese, Professor is shown as having worked at this institute as Asst. Prof. from 20/04/2001 to 19/04/2006; however he is also shown as having acquired Diploma in Tropical Medicine & Hygiene in May 2006 at Royal College of Physicians, Scotland (i.e. within the period shown as Asst. Prof. in the institute) which is not permissible and needs clarification. Further, he is shown as having worked at this institute as Asso. Prof. from 20/04/2006 to 30/06/2010; however he is also shown as having received 2 years special training as Fellow in Infectious Diseases at Wayne State University School of Medicine, Detroit from 01/07/2006 to 30/06/2008 (i.e. within the period shown as Asso. Prof. in the institute) which is not permissible and needs clarification. At the time of appointment as Asst. Professor in 2001, he neither had Diploma nor fellowship in Infectious Disease.

3. Dr. Rajeev Karthik, Asso. Prof., is shown as having worked at this institute as Asso. Prof. from 01/01/2013 till date; however he is also shown as having acquired M.P.H. from Tufts University in 2014 (i.e. within the period shown as Asso. Prof. in the institute) which is not permissible and needs clarification. Further, he is also shown as having received 1 year special training as Fellow in Infectious Diseases at Tufts University from 01/08/2014 to 31/07/2015 (i.e. within the period shown as Asso. Prof. in the institute) which is not permissible and needs clarification. He has no special training in Infectious Disease at the time of appointment as Asstt. Professor.

4. Dr. S. Divuashree, shown as Senior Resident does not possess experience of 3 years as Resident in the subject.

5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Infectious Disease) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 24/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and compliance dated 24th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. Dr. S. Divyasree, Senior Residents has no 3 years experience as Resident in the department. Contention of the institute that Senior Resident is not required as per Regulations is not correct. Deficiency remains as it is.

2. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Infectious Disease) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 19/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The PG Committee decided to defer the matter.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and compliance dated 19th April 2016 submitted by the college authorities and noted the following:

- 1. The deficiency of Senior Resident stays as such. There is no eligible Senior Resident in the department of Infectious Disease.*
- 2. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Infectious Disease) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17.."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre &

Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, Christian Medical College, Vellore, Tamilnadu for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 13/04/2016 and on 06/05/2016

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

- ".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:*
- (A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.*
- (B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January.*

Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016 and 06th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Infectious Disease) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the

inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any

time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

112. Starting of M.Ch. (Gynaecological oncology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (24th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai for Starting of M.Ch. (Gynaecological oncology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Christian Medical College, Vellore, Tamilnadu for starting of M.Ch. (Gynaecological Oncology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of M.Ch. (Gynaecological oncology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 was carried out by the Council Assessor on 24/02/2016. The Assessment Report (24/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and noted the following:

- 1. Dr. Rachel Chandy, Professor; Dr. Anitha A. Dorairaj, Asso. Prof. and 3 Asst. Prof. are neither having superspecialty qualification nor training for 2 years in the subject.*
- 2. Dr. Abraham Peedicayil, Professor & HOD is shown as being promoted as Professor since 21/04/1997; however he has received special training in the subject only from 12/07/2008 to 08/07/2011.*
- 3. Resultantly, there is no faculty who is eligible for being a PG teacher in the subject.*
- 4. Dr. D.S. Thomas, Senior Resident does not possess 3 years experience in the subject as Resident.*
- 5. Dr. Vinocha Thomas, Asstt. Professor was on study leave, hence he cannot be considered.*
- 6. OPD runs only twice a week.*
- 7. Total number of Major Surgeries is shown as 251/year implying daily average of 0.8; however average Major operations are shown as 5/day. O.T. runs only once a week which is not as per norms.*
- 8. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Gynaecological oncology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 24/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and compliance dated 24th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. In the report dated 24/02/2016, there is no mention of Special Training (1994 to 1996), which Dr. Abraham Peedicayil had in U.K., which has been mentioned in the present compliance. If it was there, why it was not mentioned? No such certificate has been attached with the compliance. He was all along working in the department of OBG till 2015.*
- 2. Dr. Rachel Chandy, Professor; Dr. Anitha A. Dorairaj, Asso. Prof. & 3 Asst. Prof. are neither having Superspecialty qualification nor any training in Gynaecological Oncology. Their entire experience is in-house where the course is yet to start. Deficiency remains as it is.*
- 3. Dr. D.S. Thomas, Senior Resident does not have 3 years experience in this department as Resident; hence not qualified to hold the post. Deficiency remains as it is.*
- 4. OPD runs only twice a week. Deficiency remains as it is.*
- 5. Total number of major operations are 560-620/year implying daily average of 1.85-2.07 which is inadequate. OT runs twice a week which is inadequate.*
- 6. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Gynaecological oncology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 19/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The PG Committee decided to defer the matter.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and compliance dated 19th April 2016 submitted by the college authorities and noted the following:

- 1. Still there is no independent department of Gynaecological Oncology. It is a unit under the department of OBGY.*
- 2. As per compliance submitted by the college authorities, they have said that first two years of service in the institute may be treated as training which is not permissible.*
- 3. If Dr. Rachel Chandy and Amit Thomas are to be demoted, it is to be done by the institute and not by MCI.*

4. If Dr. Ajit Sebastian is to be made Senior Resident, the college authorities have to do it and not by MCI. MCI cannot remove any person from the list and cannot demote any person.
5. All special training/fellowship of HOD Dr. Abraham Peedicayil is after he completed his Assistant Professorship. He has no 02 year special training at the time of joining as Asstt.Prof. in the department.
6. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of M.Ch. (Gynaecological oncology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Christian Medical College, Vellore, Tamilnadu for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 13/04/2016 and on 06/05/2016

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016 and 06th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of M.Ch. (Gynaecological oncology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats

- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government.

In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

113. Increase of seats in DM (Endocrinology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor’s Report (03rd March 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai for Increase of seats in DM (Endocrinology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Christian Medical College, Vellore for increase of seats in DM (Endocrinology) course from 2 to 4 seats, which has been returned by the Central

Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Increase of seats in DM (Endocrinology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 03/03/2016. The Assessment Report (03/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (03rd March 2016) and noted the following:

1. None of the Senior Resident have 3 years experience in Endocrinology in a Medical College and not eligible for the post of Senior Residents.
2. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Endocrinology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 24/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (03rd March 2016) and compliance dated 24th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. None of the Senior Residents has 3 years experience as Resident in the department. Contention of the institute that Senior Resident is not required as per Regulations is not correct. Deficiency remains as it is.
2. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Endocrinology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 20/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The PG Committee decided to defer the matter.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (03rd March 2016) and compliance dated 20th April 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. The compliance is not satisfactory.*
- 2. There is no Senior Resident who has 03 years experience as Resident in the department and the deficiency stays as such. Reply given by the college authorities that deficiency of Senior Resident is being addressed cannot be taken as satisfactory.*
- 3. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Endocrinology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, Christian Medical College, Vellore, Tamilnadu for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	2	2	2014			2 to 4	2 to 4
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 13/04/2016 and on 06/05/2016

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical

verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016 and 06th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Increase of seats in DM (Endocrinology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the

implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

114. Increase of seats in DM (Neurology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (24th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai for Increase of seats in DM (Neurology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Christian Medical College, Vellore for increase of seats in DM(Neurology) course from 2 to 4 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Increase of seats in DM (Neurology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 24/02/2016. The Assessment Report (24/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and noted the following:

- 1. There are 2 Units but only 30 beds implying 15 beds/Unit against minimum requirement of 20 beds/Unit.*
- 2. Unitwise distribution of faculty is not provided.*
- 3. None of Senior Residents has 3 years experience as Resident in the subject; hence not qualified to hold the post.*
- 4. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Neurology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 24/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and compliance dated 24th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. None of the Senior Residents has 3 years experience as Resident in the department. Contention of the institute that Senior Resident is not required as per Regulations is not correct. Deficiency remains as it is.*
- 2. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Neurology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 23/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The PG Committee decided to defer the matter.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and compliance dated 23rd April 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. There is no Senior Resident who has 3 years experience as Resident in the department. Deficiency remains as it is.*
- 2. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Neurology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 09/05/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, Christian Medical College, Vellore, Tamilnadu for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	2	2				2 to 4	2 to 4
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 13/04/2016 and on 06/05/2016

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

- ".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:*
- (A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.*
 - (B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.*
 - (C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.*
 - (D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government.*

In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016 and 06th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Increase of seats in DM (Neurology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the

implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

115. Increase of seats in DM (Hepatology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (29th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai for Increase of seats in DM (Hepatology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Christian Medical College, Vellore for increase of seats in DM (Hepatology) course from 1 to 2 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

“It may be stated that First Assessment for Increase of seats in DM (Hepatology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 29/02/2016. The Assessment Report (29/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

“The Postgraduate Medical Education Committee considered the Council Assessor’s Report (29th February 2016) and noted the following:

- 1. Dr. U.G. Zachariah, Professor & HOD possesses qualification of D.M. (Medical Gastroenterology). There is no evidence of his receiving training in Hepatology shown in the faculty table. It is also not clear from faculty table when he shifted to Hepatology department and in what cadre.*
- 2. Dr. C.E. Eapen, Professor possesses qualification of D.M. (Medical Gastroenterology). There is no evidence of his receiving training in Hepatology shown in the faculty table. It is also not clear from faculty table when he shifted to Hepatology department and in what cadre.*
- 3. Dr. K.G. Sajith, Professor possesses qualification of D.M. (Medical Gastroenterology). There is no evidence of his receiving training in Hepatology shown in the faculty table. It is also not clear from faculty table when he shifted to Hepatology department and in what cadre. Further, he has been promoted as Professor after cutoff date; however no details of publications are given; hence it cannot be verified whether his promotion is as per Regulations or not.*
- 4. Dr. Ashish Goel, Professor possesses qualification of D.M. (Medical Gastroenterology). There is no evidence of his receiving training in Hepatology shown in the faculty table. It is also not clear from faculty table when he shifted to Hepatology department and in what cadre. Further, he has been promoted as Professor after cutoff date; however no details of publications are given; hence it cannot be verified whether his promotion is as per Regulations or not.*
- 5. Dr. C. Bharath Kumar, Asst. Prof. possesses qualification of D.M. (Medical Gastroenterology). There is no evidence of his receiving training in Hepatology shown in the faculty table. It is also not clear from faculty table when he shifted to Hepatology department and in what cadre.*
- 6. No Senior Resident possesses experience of 3 years as Resident in the department.*
- 7. OPD runs twice a week only.*
- 8. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Hepatology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17.”

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 24/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (29th February 2016) and compliance dated 24th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. Details of training in Haepatology in respect of Dr. U.G. Zachairah, Dr. C.E. Eapen, Dr. K.G. Sajith & Dr. Ashish Goel, Professors & Dr. C. Bharath Kumar, Asst. Prof. are not provided. Hence deficiency remains as it is.*
- 2. No Senior Resident possesses 3 years experience as Resident in the subject; hence not qualified to hold the post. Contention of the institute that Senior Resident is not required as per Regulations is not correct. Deficiency remains as it is.*
- 3. OPD runs twice a week.*
- 4. Period of study leave cannot be counted towards teaching experience for promotion to higher designations.*
- 5. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Increase of seats in DM (Hepatology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 20/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016. The PG Committee decided to defer the matter.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016. The decision of the Committee is as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (29th February 2016) and compliance dated 20th April 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. There is no Senior Resident who has 3 years experience as Resident in the department. Deficiency remains as it is.*
- 2. Deficiency 1 remains as such. Details of training in Haepatology in respect of Dr. Zachariah, Dr. C.Eapen, Dr. K.G. Sajith, Dr. Ashish Goyal and Dr. Bharat Kumar have not been provided.*
- 3. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in DM (Hepatology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical

University,Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17.”

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council’s letter dated 09/05/2016.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, Christian Medical College, Vellore, Tamilnadu for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree	1	1	2014			1 to 2	1 to 2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 13/04/2016 and on 06/05/2016

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the

processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016 and 06th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal

Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Increase of seats in DM (Hepatology) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme

/ application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the

concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

116. Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (21st March 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai for Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Christian Medical College, Vellore for starting of M.Ch. (Hepato Pancreato Biliary Surgery) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 21/03/2016. The Assessment Report (21/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 30/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (21st March 2016) and noted the following:

- 1. Details of Senior Residents are not provided in the faculty table.*
- 2. Evidence of 2 years training in the subject is not shown in respect of Dr. D.J. Sonbare & Dr. M.L. Rymbai, both Asst. Professor*
- 3. Dr. Philip Joseph, Professor & HoD. Till 2010, he first worked as Asst. Professor in General Surgery, which cannot be recognized. Then he worked as Assoc. Professor and Professor from 2002 to 2010 in General Surgery and Hepato Biliary Unit, both simultaneously. Then he shifted to Hepato Biliary Surgery only in 2010. Hence, he is not eligible. During the period February, 2002 to January,*

2004, he was working as Lecturer in Surgery and at the same time, he was undergoing special training in Australia, which is not feasible. Similarly, from April, 2004 to January, 2005, he was on training in London and the same time, he is shown working as Reader/ Assoc. Professor in this Institute. He could not be working at both the places. Hence, not eligible to hold the post of Professor.

4. Professor Fredrick L. Vyas is MS (Surgery), he has no special training in Hepato Pancreato Biliary Surgery. His training was in Transplant Surgery, which cannot be considered. He shifted to Hepato Pancreato Biliary Surgery department in December, 2010 prior to this his experience was in General Surgery and Hepato Pancreato Biliary Unit.

5. Dr. Ravish Sanghi Raju, Assoc. Professor was on Fellowship for 2 months in 2008 and for 2 years 2 months in 2012-13 and 2013-14. During the same period he has been shown to be working in CMC, Vellore, which is not feasible. Prior to 2010, he was working in General Surgery, which cannot be counted. He was Asst. Professor for 1 year 1 month 20 days against the requirement of 2 years. Hence, his promotion is not as per Regulations.

6. Both the Asst. Professor are MS (General Surgery) with no special training in Hepato Pancreato Biliary Surgery.

7. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 31/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 13/04/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 26/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (21st March 2016) and compliance dated 09/04/2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. Deficiency of Senior Resident remains as such.

2. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 27/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 29/04/2016 had again forwarded the second compliance.

The matter along with the compliance report was further considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016. The decision of the Committee is as under:

The Postgraduate Medical Education Committee considered the Council Assessor's Report (21st March, 2016) and compliance dated 29/04/2016 submitted by the college authorities and noted the following:

- 1. The deficiency of Sr. Residents stays as such. It is not for the MCI to consider anybody in a particular rank. It is for the college which has to appoint him in that rank and MCI only considers after that whether he is eligible or not as per regulations. Deficiency persists as it is.*
- 2. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course at Christian Medical College, Vellore, Tamil Nadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The above decision of the Postgraduate Medical Education Committee was communicated to the Central Government vide Council's letter dated 12/05/2016.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Christian Medical College, Vellore, Tamilnadu for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 30/03/2016, 26/04/2016 and on 12/05/2016

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

- “.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:
- (A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.
- (B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.
- (C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.
- (D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.
- (E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if

the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 26th April 2016 and 12th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of M.Ch. (Hepato Pancreato Biliary Surgery) course at Christian Medical College, Vellore, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai U/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that

assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."*

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 31/03/2016 & 27/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

117. Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati under Srimanta Shankardeva University of Health Sciences u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Compliance Verification Assessment Report (03/05/2016) along with the Council Assessor's Report (14th December 2015) and compliance dated 15/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati under Srimanta Shankardeva University of Health Sciences for Starting of DM (Medical Oncology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati for

starting of DM (Medical Oncology), which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati under Srimanta Shankardeva University of Health Sciences u/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 14/12/2016. The Assessment Report (14/12/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (14th December 2015) and noted the following:

- 1. Dr. C. Bhuyan, Professor & HOD does not have any academic experience before being appointed as Professor.*
- 2. The only Unit has 37 beds which is not as per Regulations.*
- 3. Three faculty members with MD(Medicine) & Paediatrics are attached to the department of Medical Oncology (Not full time working there).*
- 4. Faculty table shows only one faculty who has no teaching designation without which he cannot be considered. His special training is only for six months.*
- 5. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati under Srimanta Shankardeva University of Health Sciences u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Christian Medical College, Vellore, Tamilnadu vide letter dated 28/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided to verify compliance by way of assessment.

Accordingly, a compliance verification assessment for Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati was carried out by the Council Assessor on 03rd May 2016.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (03/05/2016) along with the Council Assessor's Report (14th December 2015) and compliance dated 28/03/2016 submitted by the college authorities and noted the following:

- 1. Deficiency of experience of Dr. C. Bhuyan, Professor & HOD remains as it is. The exemption vide 2005 amendment of PG Medical education Regulations cited by the institute is not available as it is applicable to those institutes only where the respective PG courses were already running which is not the instant case.*
- 2. Teaching beds are only 17 for Medical Oncology department which is inadequate as minimum 20 beds are required to form a Unit.*

3. There is no Senior Resident.
4. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati under Srimanta Shankardeva University of Health Sciences u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-specialty courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Specialty courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.

3. The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."

The Central Government has requested to reconsider the matter with regard to Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 14/06/2016 for its consideration and the Committee decided not to recommend for Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided

in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 15/06/2016 forwarded by the Dean/Principal, at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 19/04/2015 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 13/04/2016 and on 12/05/2016

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to Starting of DM (Medical Oncology) course at Dr. B. Borooah Cancer Institute (Regional Cancer Centre), Guwahati under Srimanta Shankardeva University of Health Sciences u/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to

MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

118. Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (04/05/2016) along with the Council Assessor's Report (18th November 2015) and compliance dated 21/06/2016

submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow for Starting of M.Ch. (Neuro Surgery) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow for starting of M.Ch. (Neuro-Surgery) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

“It may be stated that First Assessment for Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 18/11/2015. The Assessment Report (18/11/2015) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

“The Postgraduate Medical Education Committee considered the Council Assessor’s Report (18th November 2015) and noted the following:

- 1. There is no Professor in the department.*
- 2. There are no orders for creation of independent department of M.Ch.(Neuro-Surgery) and appointment orders of faculty in Neuro-Surgery.*
- 3. Daily Major Operation – 1, Minor Operation – 1. Three years Surgical Workload, major & minor operations grossly inadequate (page-33 of SAF).*
- 4. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2016-17”

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh vide letter dated 30/03/2016 had submitted the compliance.

The said compliance placed in the Postgraduate Medical Education Sub-Committee Meeting held on 8th April 2016. The Committee decided to Decided to Verify Compliance by way of Assessment.

Accordingly, a compliance verification assessment for Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh was carried out by the Council Assessor on 04th May 2016.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016 and the Committee decided as under:

“The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (04/05/2016) along with the Council Assessor’s

Report (18th November 2015) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. *There is no Professor in the department.*
2. *Dr. V.K. Chand, Dr. R.K. Bharti, Dr. A.K. Suman, Dr. Amit Kumar, all Senior Residents, do not possess 3 years experience as Resident in the department in medical college; hence not qualified to hold the post.*
3. *Operative workload is inadequate as detailed in the report.*
4. *Deficiency 3 stays as such i.e. operative workload is inadequate.*
5. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016 with a copy to the College Authorities.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-specialty courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. *The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Specialty courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.*

3. *The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."*

The Central Government has requested to reconsider the matter with regard to Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 14/06/2016 for its consideration and the Committee decided not to recommend for Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal,, Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 26/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 08/04/2016 and 12/05/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the

same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to Starting of M.Ch. (Neuro Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

119. Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University,Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (04/05/2016) along with the Council Assessor's Report (18th November 2015) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University,Lucknow for Starting of M.Ch (Urology/Genito-Urinary Surgery) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow for starting of M.Ch. (Urology/ Genito-Urinary Surgery) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University,Lucknow u/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 18/11/2015. The Assessment Report (18/11/2015) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (18th November 2015) and noted the following:

1. *There is no Professor.*
2. *None of the Senior Residents possesses 3 years experience as Resident in the subject.*
3. *There are no orders for creation of independent department of Urology. From three years data, it is showing that major operations were:*

2012	2013	2014	2015
183	399	433	486

It means workload is grossly inadequate (less than 2 major operations per year).
4. *Renal Transplant services are not available.*
5. *Departmental Library has only 49 books.*
6. *Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University,Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh vide letter dated 30/03/2016 had submitted the compliance.

The said compliance placed in the Postgraduate Medical Education Sub-Committee Meeting held on 8th April 2016. The Committee decided to Decided to Verify Compliance by way of Assessment.

Accordingly, a compliance verification assessment for Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh was carried out by the Council Assessor on 04th May 2016.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 12/05/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (04/05/2016) along with the Council Assessor's Report (18th November 2015) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. There is no professor.
2. None of the Senior Residents possesses 3 years experience as Resident in this department; hence not qualified to hold the post.
3. Renal Transplant services are not available.
4. Dr. Alok Srivastava, Assoc. Professor promoted on 10.9.2015 after the cut-off date. No details of his publications have been provided without which his eligibility to the post cannot be dissented.
5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016 with a copy to the College Authorities.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-specialty courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. *The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Specialty courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.*

3. *The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."*

The Central Government has requested to reconsider the matter with regard to Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 14/06/2016 for its consideration and the Committee decided not to recommend for Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 21/06/2016 forwarded by the Dean/Principal,, Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 26/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016, 08/04/2016 and 12/05/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon’ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the

Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to Starting of M.Ch (Urology/Genito-Urinary Surgery) course at Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King Georges Medical University, Lucknow u/s 10(A) of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if

the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

120. Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor’s Report (09th March 2016) and compliance dated 18/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur for Starting of DM (Endocrinology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Medical College, Thiruvananthapuram for starting of DM (Endocrinology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

“It may be stated that First Assessment for Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 09/03/2016. The Assessment Report (09/03/2016) was considered by the Postgraduate Medical Education

Committee at its meeting held on 23/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (09th March 2016) and noted the following:

- 1. Dr. P.K. Jabbar, Professor & HOD has been appointed straightaway as Professor of Endocrinology from the post of Professor of Medicine on 17/08/2012. His experience is at this institute which is yet to receive permission to start PG course in Endocrinology.*
- 2. Dr. C. Jayakumari is shown as Asso. Prof. She possesses M.D. qualification but no evidence of her receiving training in Endocrinology is shown. She has been appointed to post of Asso. Prof. of Endocrinology after cutoff date straightaway from General Medicine but no details of her research publications are given. Hence it cannot be verified whether her appointment is as per Regulations or not. Her experience is at this institute which is yet to receive permission to start PG course in Endocrinology.*
- 3. Dr. M.V. Muraleedharan has crossed 70 years of age on 01/02/2016; hence he cannot be considered as faculty.*
- 4. Dr. Mathew John is shown as "Asso. Prof." in the column of "Designation"; however, in the column of experience, his experience is shown as "Asst. Prof." continuing till date. His date of joining this institute is not shown. This dichotomy needs to be resolved.*
- 5. In view of above, there is no Asso. Prof. in the Unit; hence faculty complement is incomplete & it cannot be considered as PG Unit.*
- 6. No Senior Resident has experience of 3 years as Resident in the department.*
- 7. General Endocrinology OPD is only once a week. On remaining days, Specialty clinics are run which cannot be equated with General OPD.*
- 8. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 25/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Medical College, Thiruvananthapuram vide letter dated 06/04/2016 had submitted the compliance.

The Compliance was again considered by the Postgraduate Medical Education Sub-Committee at its meeting held on 19th April 2016 and the Committee Refer the matter to Postgraduate Committee.

The matter along with the compliance was again considered by the Postgraduate Medical Education Committee at its meeting held on 26th April 2016. The postgraduate committee decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (09th March 2016) and compliance dated 06/04/2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. Deficiency of appointment of Dr. P.K. Jabbar as Professor & HOD not being as per Regulations remains as it is. He has been appointed as Professor of Endocrinology straightaway from the post of Professor of General Medicine.*
- 2. Deficiency of appointment of Dr. Jayakumari remains as it is.*

3. Deficiency of Senior Resident remains as such.
4. Deficiency of General Endocrinology OPD running once a week remains as it is. On other days Special clinics focusing on a particular segment are run which cannot be equated with General Endocrinology OPD.
5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 27/04/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Medical College, Thiruvananthapuram vide letter dated 4th May 2016 had forwarded the compliance.

The matter along with the compliance was further considered by the Postgraduate Medical Education Committee at its meeting held on 12th May 2016 and the committee decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (09th March 2016) and compliance dated 04/05/2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. Deficiency regarding appointment of Dr. P.K. Jabbar & Dr. Jayakumari remain as they are.
2. There is no Senior Resident having 3 years experience as Resident in the subject.
3. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016 with a copy to the College Authorities.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-specialty courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. *The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Specialty courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.*

3. The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."

The Central Government has requested to reconsider the matter with regard to Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 13/06/2016 for its consideration and the Committee decided not to recommend for Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 17/06/2016 forwarded by the Dean/Principal, Medical College, Thiruvananthapuram for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 04/05/2016 in the Council Office and was considered by the PG committee in its meeting held on 23/03/2016, 26/04/2016 and 12/05/2016.

The Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after

rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliances have been considered by the Postgraduate Medical Education Committee at its meetings held 26th April 2016 and 12th May 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Endocrinology) course at Medical College, Thiruvananthapuram under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify

the deficiencies. Second compliance received by the council was considered by the Postgraduate Medical Education Committee and had again found said compliance unsatisfactory (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as

provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 25/03/2016 & 27/04/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

121. Starting of DM (Cardiology) course at National Institute of Medical Science & Research, Jaipur, Rajasthan under NIMS University, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Compliance Verification Assessment Report (28/04/2016) along with the Council Assessor's Report (19th February 2016) and compliance dated 18/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at National Institute of Medical Science & Research, Jaipur, Rajasthan under NIMS University, Jaipur for Starting of DM (Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by National Institute of Medical Science & Research, Jaipur for starting of DM (Cardiology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Cardiology) course at National Institute of Medical Science & Research, Jaipur, Rajasthan under NIMS University, Jaipur U/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on 19/02/2016. The Assessment Report (19/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (19th February 2016) and noted the following:

1. Dr. Madan Lal, Senior Resident does not possess 3 years experience in the subject.
 2. Dr. Pankaj Bohra, Assoc. Prof. has been promoted on 1.10.2015 after the cut-off date without any publications during his period of Asstt. Professorship. Hence, he is not eligible.
 3. Request for number of seats and consent of affiliation is Nil.
 4. Other deficiencies as pointed out in the Assessment Report.
- In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Cardiology) course at National Institute of Medical Science & Research, Jaipur, Rajasthan under NIMS University, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2016-17"*

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, National Institute of Medical Science & Research, Jaipur, Rajasthan vide letter dated 30/03/2016 had submitted the compliance.

The said compliance placed in the Postgraduate Medical Education Sub-Committee Meeting held on 8th April 2016. The Committee Decided to Verify Compliance by way of Assessment.

Accordingly, a compliance verification assessment for Starting of DM (Cardiology) course at National Institute of Medical Science & Research, Jaipur, Rajasthan was carried out by the Council Assessor on 28th April 2016.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (28/04/2016) along with the Council Assessor's Report (19th February 2016) and compliance dated 30/03/2016 submitted by the college authorities and noted the following:

1. OPD attendance till 12 noon was only 16. Even till 2 p.m., it was 48.
2. Holter investigation was NIL on day of assessment. TMT Nil.
3. There were only 09 admitted patients in Cardiology ward at time of assessment implying bed occupancy of 45%.
4. NIL Blood was issued to Cardiology department on day of assessment at time inspection.
5. Dr. Kushmendra Parashar, Senior resident was absent on day of assessment.
6. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Cardiology) course at National Institute of Medical Science & Research, Jaipur, Rajasthan under NIMS University, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 21-22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal National Institute of Medical Science & Research, Jaipur, Rajasthan or necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 29/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 08/04/2016 and 06/05/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities

to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to Starting of DM (Cardiology) course at National Institute of Medical Science & Research, Jaipur, Rajasthan under NIMS University, Jaipur U/s 10(A) of the IMC Act, 1956 for the Academic

Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well

as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the

initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

122. Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (24th February 2016) and compliance dated 21/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Nilratan Sircar Medical College, Kolkata, West Bengal under West Bengal University of Health Sciences, Kolkata for Starting of DM (Cardiac Anaesthesia) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Nilratan Sircar Medical College, Kolkata for starting of DM (Cardiac Anaesthesia) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal under U/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on 24/02/2016. The Assessment Report (24/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (24th February 2016) and noted the following:

- 1. Dr. Anupam Goswami has been appointed as Professor straightaway from the post of Professor of Anaesthesiology on 11/02/2011. No evidence of his receiving training in Cardiac Anaesthesia is shown in faculty table.*
- 2. Dr. Haripada Das, Asst. Prof. is possessing qualification of M.D. (Anaesthesiology). No evidence of his receiving training in Cardiac Anaesthesiology is shown in the faculty table.*
- 3. Instruments & Equipment are inadequate. Heat Lung machines are inadequate. Thermo-elastography is not available.*
- 4. Operation Theaters are in poor shape & poor hygiene. Proposed partition of main O.T. is likely to make both O.T.s of inadequate size not suitable for Cardiac surgery.*
- 5. Postoperative area is full of unused old equipment with poor hygiene.*
- 6. Offices for faculty & Departmental offices are inadequate.*
- 7. Nonteaching clerical staff is not available.*
- 8. Departmental Library has only 20 books.*

9. There is no order of Government for creation of department and appointment/promotion orders of faculty in Cardiac Anaesthesia department.

10. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Nilratan Sircar Medical College, Kolkata, West Bengal vide letter dated 29/03/2016 had submitted the compliance.

The said compliance placed in the Postgraduate Medical Education Sub-Committee Meeting held on 8th April 2016. The Committee Decided to Verify Compliance by way of Assessment.

Accordingly, a compliance verification assessment for Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal was carried out by the Council Assessor on 02nd May 2016.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 06/05/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (02/05/2016) along with the Council Assessor's Report (24th February 2016) and compliance dated 29/03/2016 submitted by the college authorities and noted the following:

1. Dr. Aniruddha Saha, Senior Resident does not possess 3 years experience in the department of Cardiac Anaesthesia; hence not qualified to hold the post.
2. Dr. Haridas Pada, Asst. Professor not eligible. There is no Certificate of 2 years special training in Cardiac Anaesthesia attached. Hence, not eligible.
3. Dr. Anupam Goswami is not eligible. There is no Certificate of 2 years special training in Cardiac Anaesthesia attached. Hence, not eligible.
4. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2016-17"

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 12/05/2016 with a copy to the College Authorities.

In reference to above, the Central Government vide letter dated 07/06/2016 with regard to reconsideration of the recommendations of MCI for super-specialty courses for 2016-17 at various Government Medical Institutions has stated as under:

"

2. *The State Governments in respect of various government colleges have represented before Ministry in this regard. The Ministry has considered the matter in light of low rate of permission for Super Specialty courses this year. It has been decided to refer back the cases to MCI for consideration on whether any of them can be approved on the basis of an undertaking, particularly in those cases in which the deficiencies are eminently removable.*

3. *The Council is, therefore requested to furnish its comments/ suggestions/ recommendations with respect to all 12 medical colleges (15 courses) in the enclosure immediately to this Ministry. Further, representation/ Undertaking received in respect of 2 colleges is also being enclosed. Response may kindly be provided by 13.06.2016."*

The Central Government has requested to reconsider the matter with regard to Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal.

As per directions, the matter was forwarded to the Postgraduate Medical Education Committee by circulation on 14/06/2016 for its consideration and the Committee decided not to recommend for to Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 21-22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal National Institute of Medical Science & Research, Jaipur, Rajasthan or necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						2	2
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 29/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 08/04/2016 and 06/05/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and have been inspected again after they had submitted their compliance reports, in terms of the judgement of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19.

In view of the above, the matter with regard to Starting of DM (Cardiac Anaesthesia) course at Nilratan Sircar Medical College, Kolkata, West Bengal under U/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17- is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection when the concerned institution had submitted its compliance and MCI had verified such compliance by conducting a compliance verification assessment. Such compliance verification assessment report has been considered by the Postgraduate Medical Education Committee and upon such consideration an appropriate decision has been taken in the instant case (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if

the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance, which, if found satisfactory, the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

123. Starting of DM(Cardiology) course at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu under Saveetha University (Deemed), Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor’s Report (30th November 2015) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu under Saveetha University (Deemed), Chennai for Starting of DM(Cardiology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Saveetha Medical College and Hospital, Kanchipuram for starting of DM (Cardiology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

“It may be stated that First Assessment for Starting of DM(Cardiology) course at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu under Saveetha University (Deemed), Chennai U/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 was carried out by the Council Assessor on 30/11/2015. The Assessment Report (30/11/2015) was considered by the Postgraduate

Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and noted the following:

- 1. The only Unit has 40 beds which is not as per Regulations.*
- 2. Dr. B. Nagamony, Senior Resident does not have experience as Resident for 3 years in Cardiology in a medical college.*
- 3. Resultantly, there is shortage of Senior Resident: 1.*
- 4. Daily MRI -10 in entire hospital which is grossly inadequate.*
- 5. Professor & HOD working after 2009 not shown in faculty table. Assoc. Prof. Dr. Sunder R. working after 2011 not shown in faculty table.*
- 6. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM(Cardiology) course at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu under Saveetha University (Deemed), Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu vide letter dated 08/04/2016 had submitted the compliance.

The said compliance placed in the Postgraduate Medical Education Sub-Committee Meeting held on 8th April 2016. The Committee Decided to refer the matter to PG Committee.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (30th November 2015) and compliance dated 28th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. The only Unit still has 40 beds. Deficiency remains as it is. Posting of additional faculty in the Unit cannot be allowed to have beds in excess of maximum permissible as per Regulations.*
- 2. Dr. Nagamony does not have 3 years experience as Resident in the department in a medical college; hence is not qualified to hold the post. Deficiency remains as it is.*
- 3. In the faculty table, Dr. Asha Moorthy is shown as "Professor" in the column of "Designation"; however, in the column of experience, it is shown that she is working at Sri Ramachandra Medical College as Professor w.e.f. 24/03/2014 till date. Thus, she is working at two institutes simultaneously, which is not permissible.*
- 4. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM(Cardiology) course at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu under Saveetha University (Deemed), Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/05/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 21-22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu or necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	4
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 08/04/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of

permission / renewal of permission, was pleased to frame the following guidelines:-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliance after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance has been considered by the Postgraduate Medical Education Committee at its meetings held 13th April 2016, in terms of the judgment of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM(Cardiology) course at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu under Saveetha University (Deemed), Chennai U/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act, 1956 for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act, 1956 for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition - i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letter dt. 17/03/2016 and compliance received was considered by the Postgraduate Medical Education Committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

124. Starting of DM (Organ Transplant Anaesthesia & Critical Care) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (25th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore for Starting of DM (Organ Transplant Anaesthesia & Critical Care) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elankara, Kochi, Kerala for starting of DM (Organ Transplant Anaesthesia & Critical Care) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Organ Transplant Anaesthesia & Critical Care) course at Amrita School of Medicine, Elamkara, Kochi, Kerala was carried out by the Council Assessor on 25/02/2016. The Assessment Report (25/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (25th February 2016) and noted the following:

- 1. From the table it is not clear whether any faculty has received special training in Organ Transplant Anaesthesia & Critical care. This needs to be clarified.*
- 2. Dr. RekhaVerghese, Professor has been appointed straightaway as Professor of Organ Transplant Anaesthesia & Critical care from the post of Professor of Anaesthesia 02/01/2013 without any experience in the subject.*
- 3. Dr. K. Rajesh has been appointed as Asso. Prof. on 01/01/2016 without any experience or training in the subject. Although he has been appointed as Asso. Prof. after cutoff date, no details of research publications are given. Hence, it cannot be verified whether his promotion is as per Regulations or not.*
- 4. Dr. VyshaliDharmapal, Senior Resident has experience as Resident in the subject of Anaesthesiology only.*
- 5. Seats requested nil, Consent of Affiliation nil.*

6. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Organ Transplant Anaesthesia & Critical Care) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala vide letter dated 30/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (25th February 2016) and compliance dated 30th March 2016 submitted by the college authorities and noted the following:

1. Senior Resident, Dr. Vyshali Dharampal has no 3 years experience in Organ Transplant Anaesthesia & Critical Care. Hence, not eligible.
2. Dr. Zubair Umar Mohammad, Asst. Professor has no 2 years special training in Organ Transplant Anaesthesia & Critical Care. The Certificate enclosed does not say any such training. The Certificate enclosed is only a membership certificate.
3. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Organ Transplant Anaesthesia & Critical Care) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in

Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January.

Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance have been considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016, in terms of the judgements of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Organ Transplant Anaesthesia & Critical Care) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the

inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January.

Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgements observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the PG committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

125. Starting of DM (Reproductive Medicine) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (29th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore for Starting of DM (Reproductive Medicine) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for starting of DM (Reproductive Medicine) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Reproductive Medicine) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore was carried out by the Council Assessor on 29/02/2016. The Assessment Report (29/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (29th February 2016) and noted the following:

- 1. Dr. B. Rajammal, Professor & HOD has been appointed straightaway as Professor of Reproductive Medicine from Professor of O.G. on 01/08/2015. No evidence of training or experience in department of Reproductive Medicine is shown in the faculty table.*
- 2. Dr. Jaya Benny has been appointed straightaway as Asso. Prof. of Reproductive Medicine from Asso. Prof. of O.G. on 01/08/2015. No evidence of training or experience in department of Reproductive Medicine is shown in the faculty table.*
- 3. Dr. Vivek Krishnan has been appointed straightaway as Asst. Prof. of Reproductive Medicine from Asst. Prof. of O.G. on 01/08/2015. No evidence of training or experience in department of Reproductive Medicine is shown in the faculty table.*
- 4. Dr. Sushmita Namdeo, Senior Resident is shown working as Senior Resident in Infectious Diseases from 22/02/2016 in the column of experience of faculty table; hence she cannot be considered and resultantly there is shortage of Senior Resident.*
- 5. It is not clear from report whether infrastructure facilities are of this department or of Obstetrics & Gynaecology department. The facilities of this department need to be segregated and shown separately.*
- 6. In the list of Specialty clinics, clinics like Menopausal clinic, Gynaecological Endocrine clinic are included which cannot be specialty clinics of this department; rather these are special clinics of O.G. department.*
- 7. Seats requested and Consent of Affiliation Nil*
- 8. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Reproductive Medicine) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala vide letter dated 30/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (29th February 2016) and compliance dated 30th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

1. Dr. Jaya Benny has been promoted as Asso. Prof. after cutoff date; however details of her publications are not provided; hence it cannot be verified whether her promotion is as per Regulations or not. Dr. Jaya Benny:

a. Fellow in Reproductive Medicine not shown in old report, shown only in compliance.

b. In compliance, Asst. Professor at Amrita from 16/06/2014 to 16/06/2015 and Assoc. Professor at Amrita from 17/06/2015 till date.

c. In old report, Assoc. Professor from 16/06/2014 till date.

2. Dr. Sushmita Namdeo, Senior Resident does not possess 3 years experience in the department as Resident; hence not qualified to be appointed as Senior Resident. Deficiency remains as it is.

3. Dr. B. Rajammal:

a. In the old report, he worked at Amrita Institute from 09/09/1988 to 2001. In the compliance he is shown to have worked at Alleppy during this period.

b. In old Assessment Report, he was shown as Professor at Amrita Institute from 01/06/2002 to 31/07/2015. In the compliance he is shown as Asst. Professor from 2002 to 2007, Assoc. Professor from 2007 to 2011 and Professor from 2011 till date.

4. Dr. Vivek Krishnan:

a. In compliance, he is shown to have done fellowship in Fatal Medicine w.e.f. 2012 to 2013 and 2013 to 2014. No such fellowship shown in old report. He was only shown as Asst. Professor from 21/04/2014 till date.

5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Reproductive Medicine) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the

same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection and said compliance have been considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016, in terms of the judgements of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Reproductive Medicine) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the

same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant

case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the PG committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

126. Starting of M.Ch. (Gynaecological Oncology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (16th March 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore for Starting of M.Ch. (Gynaecological Oncology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for starting of M.Ch. (Gynaecological Oncology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of M.Ch. (Gynaecological Oncology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore was carried out by the Council Assessor on 16/03/2016. The Assessment Report (16/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 30/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (16th March 2016) and noted the following:

1. Seats requested and Consent of Affiliation Nil.
2. Dr. D.K. Vijay Kumar, Professor & HOD possesses M.S. (General Surgery) & M.Ch. (Surgical Oncology) qualifications; thus he does not possess any academic qualification in Gynaecological Oncology. He has been appointed as Professor of Gynaecological oncology straightaway from the post of Professor of Head & neck Oncology on 01/01/2014 without any training or experience in Gynaecological Oncology.
3. Dr. R. Anupama, Assoc. Professor possesses qualification of M.D. (O.G.). She is shown as having received training at this institute as "Special trainee" from 02/03/2009 to 31/03/2011. However the subject in which she was a special trainee is not specified.
4. Dr. Jayshree N., Asst. Professor possesses qualification of M.S. (O.G.). Her period of fellowship in Gynaecological Oncology of 2 years is shown from July 2005 to July 2005 which is not feasible.

- 5. Dr. Vineetha Murali & Dr. Reshu Agarwal, both Senior Residents, do not have 3 years experience as Resident in the subject in medical college; hence not qualified to hold the post.
- 6. Details of books purchased in last 3 years in Departmental Library are not provided.
- 7. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of M.Ch. (Gynaecological Oncology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 31/03/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil

Diploma							
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In this regard, it is stated that the college was given and had not availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council., However, no said compliance has been submitted by the college authority within stipulated time period.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon’ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after

rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection, in terms of the judgements of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 no compliance was received.

In view of the above, the matter with regard to Starting of M.Ch. (Gynaecological Oncology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

*2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."*

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies within 4 weeks, which had been communicated by the Council after consideration of initial inspection report on 31/03/2016. However, the college did not submit any compliance. An appropriate decision after consideration of the initial inspection report has been taken in the instant case and communicated to the Central Government and the college on 31/03/2016 (details in agenda note above). Thus this institution is not covered within

aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgements observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria

shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgements of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letter dt. 31/03/2016 but no compliance was submitted by the Institute.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

127. Increase of seats in M.Ch. (Paediatric Surgery) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor's Report (09th March 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore for Increase of seats in M.Ch. (Paediatric Surgery) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi for increase of seats in M.Ch. (Paediatric Surgery) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Increase of seats in M.Ch. (Paediatric Surgery) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore was carried out by the Council Assessor on 09/03/2016. The Assessment Report (09/03/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 23/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (09th March 2016) and noted the following:

1. Dr. N. Vishwanath, Professor was absent on day of assessment; Resultantly, there is deficiency of Asso. Prof. in the Unit; hence it cannot be considered as PG Unit.

- 2. Average daily OPD is 40-50.
- 3. Departmental Library has 78 books.
- 4. Already 2 seats commensurate with available clinical material and infrastructure.
- 5. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to return the application to the Central Government recommending disapproval of the scheme for Increase of seats in M.Ch. (Paediatric Surgery) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 25/03/2016. However, college did not submit any compliance till last date.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon’ble Supreme Court, which reads as under:-

“In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon’ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 22/06/2016 has forwarded a copy of the compliance/ documents dated 20/06/2016 forwarded by the Dean/Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake				Seats requested by the College	Seats mentioned in Consent of Affiliation
	Recognized		Permitted			
	No.	Date	No.	Date		
Degree	1		1 to 2	2013-	1 to 3	1 to 3

			(Conditional)	14		
Diploma						

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon’ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection, in terms of the judgements of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19. However, on perusal of the compliance dated 20/06/2016 submitted by the college authorities through Central Government, Ministry of Health & Family Welfare, New Delhi, it has been observed that the college authorities in their compliance have stated that the Letter of Permission is only for one seat. As per information available with the Council and table on page 9 of the SAF (signed by the Dean and Assessor), the said course is recognized for one seat and permitted for increase of seats from 1 to 2 seats.

In view of the above, the matter with regard to Increase of seats in M.Ch. (Paediatric Surgery) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10(A) of the IMC Act, 1956 for the Academic Year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, as per information available with the Council and table on page 9 of the SAF (signed by the Dean and Assessor), the said course is recognized for one seat and permitted for increase of seats from 1 to 2 seats. Since, the Institution is already having 2 seats, which is commensurate with available clinical material and infrastructure (details in agenda note above) no further action is

required. Accordingly it was further decided to return the application to the Central Government.

128. Starting of DM (Hepatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17-consideration of compliance.

Read: the Council Assessor's Report (23rd February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central Government on the physical and other teaching facilities available at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore for Starting of DM (Hepatology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for starting of DM(Hepatology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Hepatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore was carried out by the Council Assessor on 23/02/2016. The Assessment Report (23/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (23rd February 2016) and noted the following:

- 1. No specialty clinics & services are provided.*
- 2. Dr. Prem K. Nair possesses academic qualification in Medical Gastroenterology. From the faculty table it is not clear whether he has received any training in Hepatology or not. He has been straightaway appointed as Asso. Prof. of Hepatology in 2011 and thereafter promoted to professor of Hepatology. Although he has been promoted as Professor after cutoff date, no details of research publications are given.*
- 3. Dr. G. Rajesh possesses DNB in Medical Gastroenterology. From the faculty table it is not clear whether he has received any training in Hepatology or not. He has been straightaway appointed as Asso. Prof. of Hepatology in 2015. Although he has been appointed as Asso. Prof. after cutoff date, no details of research publications are given. Hence it cannot be verified whether his promotion is as per Regulations or not.*
- 4. Dr. Jeffrey George has been shown as Asst. Prof. of Gastroenterology/Hepatology from 20/01/2014 to 31/07/2015 which is not feasible. He possesses D.M. in Medical Gastroenterology. From the faculty table it is not clear whether he has received any training in Hepatology or not.*
- 5. Dr. Deepak Sethumadhavan, Senior Resident, does not possess 3 years experience as Resident in the subject; hence not qualified to hold the post.*
- 6. No Office orders separating the department of Hepatology and no appointment and joining Report of the Faculty.*
- 7. Seats requested and Consent of Affiliation nil.*
- 8. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Hepatology) course at Amrita School of Medicine, Elamkara,

Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala vide letter dated 30/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (23rd February 2016) and compliance dated 30th March 2016 submitted by the college authorities and noted the following:

Compliance is not satisfactory.

- 1. The institute has stated that separate department of Haepatology was established in 2011. Hence the experience of Prem K. Nair prior to that date cannot be considered for department of Haepatology. His appointment straightaway as Asso. Prof. of Hepatology is not as per Regulations.*
- 2. Dr. Jeffrey George possesses D.M. (Medical Gastroenterology) from this institute. As the institute has stated that separate division of Haepatology existed since 2002, his experience in Medical Gastroenterology cannot be considered for posting in Haepatology. Deficiency of his appointment as Asst. Prof. in Haepatology remains as it is.*
- 3. Dr. H.K. Nandeesh does not possess 3 years experience as Resident in the department; hence not qualified to hold the post.*
- 4. As per Assessment Report, Dr. G. Rajesh was Senior Resident in Gastroenterology from 04/07/2003 to 31/12/2009. However, in the compliance, he has been shown to be working in Hepatology from July, 2007 to December, 2009.*
- 5. Other deficiencies as pointed out in the Assessment Report.*

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Hepatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in

Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration....”

Now, the Central Govt. vide its letter dated 30/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

- “.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:*
- (A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.*
- (B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January.*

Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

Thus the Hon'ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection in terms of the judgements of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Hepatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would

cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.
...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition – i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgement observed that the Hon’ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgement of the Hon’ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the PG committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

129. Starting of DM (Rheumatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17- consideration of compliance.

Read: the Council Assessor’s Report (26th February 2016) and compliance dated 20/06/2016 submitted by the college authorities as forwarded by the Central

Government on the physical and other teaching facilities available at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore for Starting of DM (Rheumatology) course u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for starting of M.Ch. (Gynaecological Oncology) course, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that First Assessment for Starting of DM (Rheumatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17 was carried out by the Council Assessor on 26/02/2016. The Assessment Report (26/02/2016) was considered by the Postgraduate Medical Education Committee at its meeting held on 15/03/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (26th February 2016) and noted the following:

1. Dr. Suman Balan, HOD is Asso. Prof. which is not permissible.
2. There is no Professor.
3. Dr. Suman Balan, Asso. Prof. is having qualification of M.D. (General Medicine) only. In the faculty table, no evidence of her having received any training in the subject is provided.
4. Dr. Jyothi Visalalkshy S. has been promoted to Asso. Prof. after cut-off date; however no details of research publications are provided; hence it cannot be verified whether her promotion is as per Regulations or not.
5. Dr. Hasim Ahmed, Senior resident does not possess 3 years experience as Resident in the subject; hence not qualified to hold the post.
6. No specialty clinics & services are provided by the department.
7. Departmental Library has only 21 books.
8. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Rheumatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 17/03/2016 with a copy to the College Authorities.

In reference to above, the Dean/ Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala vide letter dated 30/03/2016 had submitted the compliance.

The matter along with the Compliance report was again considered by the Postgraduate Medical Education Committee at its meeting held on 13/04/2016 and the Committee decided as under:

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (26th February 2016) and noted the following:

1. Dr. Suman Balan, HOD is Asso. Prof. which is not permissible.
2. There is no Professor.
3. Dr. Suman Balan, Asso. Prof. is having qualification of M.D. (General Medicine) only. In the faculty table, no evidence of her having received any training in the subject is provided.

4. Dr. Jyothi Visalalkshy S. has been promoted to Asso. Prof. after cut-off date; however no details of research publications are provided; hence it cannot be verified whether her promotion is as per Regulations or not.
5. Dr. Hasim Ahmed, Senior resident does not possess 3 years experience as Resident in the subject; hence not qualified to hold the post.
6. No specialty clinics & services are provided by the department.
7. Departmental Library has only 21 books.
8. Other deficiencies as pointed out in the Assessment Report.

In view of the above, the Postgraduate Medical Education Committee decided to recommend to the Central Government not to grant letter of permission for Starting of DM (Rheumatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17."

The above decision of the P.G. Committee was communicated to the Central Govt. vide Council letter dated 14/04/2016 with a copy to the College Authorities.

Thereafter, the Council Office received a letter/ decision dated 13/06/2016 issued by the Oversight Committee appointed by the Hon'ble Supreme Court, which reads as under:-

"In view of the submission made by Secretary, Govt. of India, Ministry of Health & Family Welfare (MHFW) before the OC today, inter alia, stating that

- (i) *there were around 150 proposals u/s 10A of IMC Act that were not notified for approval in respect of Under Graduate Courses and 118 proposals for Super Speciality Courses for 2016-17 and*
- (ii) *there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in inspections,*

OC has, purely as a onetime measure and in exercise of powers conferred upon it vide paragraph 105 of judgment dated 02 May 2016 of Hon'ble Supreme Court in Civil Appeal no. 4060 of 2009 in Modern Dental College and Research Centre & Others vs State of Madhya Pradesh & Others to issue remedial directions, decided in its meeting of 13 June 2016, to permit all applicant colleges which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17, be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration...."

Now, the Central Govt. vide its letter dated 30/06/2016 has forwarded a copy of the compliance/documents dated 20/06/2016 forwarded by the Dean/Principal, Amrita School of Medicine, Elamkara, Kochi, Kerala for necessary action in the light of order dated 13/06/2016 of Oversight Committee.

Number of seats requested by the College and Consent of Affiliation issued by the University is as under:-

Course	Existing Intake	Recognized		Permitted		Request for intake	Seats mentioned in COA
		Seats	Date	Seats	Date		
Degree						Nil	Nil
Diploma							

In this regard, it is stated that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the council. The said compliance report of the college which was submitted by the college on 30/03/2016 in the Council Office and was considered by the PG committee in its meeting held on 15/03/2016 and 13/04/2016.

The Hon’ble Supreme Court in the case of Royal Medical Trust (Regd) &Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines:-

“.....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.....”

Thus the Hon’ble Supreme Court has directed that only those applicant - medical colleges shall be inspected who fulfill the qualifying criteria as provided in the

Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant – medical colleges which fulfils the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies persist the applicant shall stand disentitled for the academic year and its application be rejected.

Thus, the medical college was permitted to submit their compliances after they have been granted an opportunity to rectify the deficiencies found during the first inspection, in terms of the judgements of the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and found to be unsatisfactory.

In view of the above, the matter with regard to Starting of DM (Rheumatology) course at Amrita School of Medicine, Elamkara, Kochi, Kerala under Amrita Vishwa Vidyapeetham University (Deemed), Coimbatore u/s 10A of the IMC Act, 1956 for the academic year 2016-17 is placed before the Postgraduate Medical Education Committee for consideration."

Members of the Postgraduate Medical Education Committee perused the direction issued by the Oversight Committee vide its communication dt. 13/06/2016, which reads as under:-

".... The Committee had considered the submission made by the Secretary, Govt. of India, Ministry of Health & Family Welfare that around 150 proposals u/s 10A of IMC Act for MBBS course and 118 proposals for Super Speciality courses for the Academic Year 2016-17 had not been notified for approval "and out of these there were a number of cases where opportunity may not have been afforded to the applicant colleges for furnishing compliance to the deficiencies noticed in the inspections". The Oversight Committee vide its order dated 13.06.2016 had decided as under:

2. To permit all applicant colleges "which have not been afforded an opportunity to present their compliance to deficiencies communicated by MCI in the inspection/verification reports for 2016-17", be given an opportunity to furnish their compliance reports, afresh, to MoHFW before 22 June 2016 (Wednesday). MCI would cause to forward reports of such fresh assessment/Inspection of each applicant college to MHFW by 20 July (Wednesday). MHFW would, thereafter, forward its proposed decision in each case alongwith the applications and fresh assessment reports to obtain to OC, latest by 25 July 2016 for consideration.

...."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, members of the Postgraduate Medical Education Committee observed that in the instant case, the institution was given an opportunity of submitting compliance after rectification of deficiencies as had been communicated by the Council after the initial inspection. The concerned institution had submitted its compliance and the Postgraduate Medical Education Committee had found the said compliance unsatisfactory. Another opportunity was given to the institution to rectify the deficiencies (details in agenda note above). Thus this institution is not covered within aforementioned 2nd condition - i.e. where it had not been afforded an opportunity for furnishing compliance.

The Postgraduate Medical Education Committee further noted that the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19, while dealing with the various aspects of the processing of the scheme / application of the medical colleges for grant of permission / renewal of permission, was pleased to frame the following guidelines :-

".....31. MCI and the Central Government have been vested with monitoring powers under Section 10-A and the Regulations. It is expected of these authorities to discharge their functions well within the statutory confines as well as in conformity with the Schedule to the Regulations. If there is inaction on their part or non-observance of the time schedule, it is bound to have adverse effect on all concerned. The Schedule giving various stages and time-limits must accommodate every possible eventuality and at the same time must comply with the requirements of observance of natural justice at various levels. In our view the Schedule must ideally take care of:

(A) *Initial assessment* of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfil these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfil the basic requirements would be considered at the next stage.

(B) *Inspection* should then be conducted by the Inspectors of MCI. By very nature such inspection must have an element of surprise. Therefore sufficient time of about three to four months ought to be given to MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) *Intimation of the result or outcome of the inspection* would then be communicated. If the infrastructure and facilities are in order, the medical college concerned should be given requisite permission/renewal. However, if there are any deficiencies or shortcomings, MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) *If compliance* is reported and the applicant states that the deficiencies stand removed, MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of MCI and the Central Government. In cases where actual physical verification is required, MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification* if positive in favour of the medical college concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned....."

The Postgraduate Medical Education Committee after a perusal of the aforesaid judgements observed that the Hon'ble Supreme Court has directed that only such applicant - medical colleges shall be inspected which fulfill the qualifying criteria as provided in the Establishment of Medical College Regulation, 1999. In case the applicant failed to fulfil the threshold requirements the application will be incomplete and be rejected. The applicant - medical colleges which fulfil the qualifying criteria shall be inspected and that the inspection must have an element of surprise. The deficiencies found during the inspection would be communicated to the applicant medical colleges and time shall be granted to report compliance after rectifying the said deficiencies. Thereafter the Council shall cause a compliance verification inspection and in case the deficiencies are found to be still persisting, the applicant medical college shall stand disentitled for grant of permission / renewal of permission for the concerned academic year and its application shall be rejected by the Central Govt., after considering the recommendation of the Council.

Thus the Postgraduate Medical Education Committee observed that in view of the aforesaid judgements of the Hon'ble Supreme Court, all applicant medical colleges could be provided only one opportunity to rectify the deficiencies as found during the initial inspection and submit its compliance whereafter the same could be verified by way of a compliance verification inspection. Thereafter, there was no permissibility to provide any further opportunity to an applicant medical college to submit any further compliance in respect of the deficiencies persisting in the medical college. In the instant case the opportunity was given by the council vide letters dt. 17/03/2016 & 14/04/2016 and compliance received was considered by the PG committee and found to be unsatisfactory.

In view of above, Postgraduate Medical Education Committee is of the opinion that the abovesaid application does not fall within the ambit of the directions issued by the Oversight Committee or the guidelines framed for processing of applications by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd) & Anr. Vs Union of India- (2015) 10 SCC 19 and it was further decided to return the application to the Central Government.

130. Amrita Vishwa Vidyapeetham University - Recognition of DM(Pulmonary Medicine) qualification for 02 seats in respect of students being trained at Amrita School of Medicine, AIMS, Kochi.

Read: the Compliance Verification Assessment Report (01/04/2016) along with the Council Assessor's Report (July, 2013 & December, 2014) and compliance dated 01/06/2016 submitted by the college authorities and 20/06/2016 (received through the Central Government vide letters dated 22/06/2016 and 30/06/2016) on the standard of examination and other teaching facilities for Recognition of DM(Pulmonary Medicine) qualification for 02 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for recognition of DM (Pulmonary Medicine) qualification for 02 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that the Post Graduate Committee of this Council at its meeting held on 20th & 24th March, 2014 considered the assessment report (July, 2013) on the standard of examination and other teaching facilities available at Amrita School of Medicine, AIMS, Kochi for Recognition of DM(Pulmonary

Medicine) qualification granted by Amrita Vishwa Vidyapeetham University .
The Committee decided as under: -

"The Postgraduate Committee considered the Council assessor's report (July, 2013) and decided to recommend not to recognize DM(Pulmonary Medicine) qualification granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the followings:-

1. *The Institute is running DM(Pulmonary Medicine) as well as MD(TB & Respiratory Disease) against the same departmental faculties and same staff, which is not permissible.*
2. *Appointment letter number of all departmental faculty are same i.e. AVVP/APT on various dates which can't be verified in department register.*
3. *Declaration Forms & concerned Annexures are mismatched. Salary structure among the faculty can't be justified as per details of Form 16, etc. Out of 9 faculty, only 1 – viz., Dr. Mehta Asmita Anilkumar, Asst. Prof. has no discrepancy & Annexures.*
4. *Discrepancies in Declaration Forms & Annexures are given in detail in report.*
5. *Clinical material is not adequate for the examination of D.M. (Pulmonary Medicine) .*
6. *Average daily bed occupancy is 65 %.*
7. *There is no departmental office. Office space for teaching faculty is not available.*
8. *Conduct and standard of examination are not as per norms.*
9. *Other deficiencies pointed out in the assessment report."*

The above decision was communicated to the college authorities vide Council letter dated 06.04.2014.

In reference to above, the Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 31.07.2014 has submitted the compliance.

The compliance submitted by the college authorities vide letter dated 31.07.2014 alongwith the Assessment report (July, 2013) was place before the Postgraduate Committee at its meeting held on 30.09.2014 and the Committee decided as under:-

"The Postgraduate Medical Education Committee considered the compliance along with Assessment Report (July, 2013) on the standard of examination and other teaching facilities for Recognition of DM(Pulmonary Medicine) qualification for 2 (Two) seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University and the Committee decided to verify compliance by way of Assessment."

The decision of the P.G. Committee was communicated to the college authorities vide letter dated 22.10.2014 with the request to submit the compliance verification Assessment fee and after receipt of compliance verification fee . The Assessment has been carried out on 29.12.2014.

The matter alongwith compliance verification Assessment report (December, 2014) and previous Assessment report (July, 2013) was place before the Postgraduate Committee at its meeting held on 18.02.2015 and the Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (29/12/2014) along with the Council Assessor's Report (July, 2013) and compliance dated 31/07/2014 submitted by the College Authorities and decided to recommend not to recognize DM(Pulmonary

Medicine) qualification for 02 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. RICU has only 4 beds.
2. Average daily OPD is 50 – 60.
3. None of the Faculty possesses D.M. qualification.
4. No details are given regarding stipend paid to Residents.
5. Other deficiencies as pointed out in the Assessment Report.

In case, the College Authorities desire to submit compliance, the same should be received in this office within 6 weeks. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the Postgraduate Course against the above mentioned As per provisions of section 11(2) of the IMC Act, 1956 (and stipulated in LoP) failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course. The seats were permitted in 2010 and still not recognized."

The above decision was communicated to the college authorities vide Council letter dated 18.03.2015.

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 24.03.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities vide letter dated 24.03.2015 and assessment reports (December, 2014) & (July, 2013) was placed before the PG Committee at its meeting held on 27.05.2015. The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (29.12.2014) along with Council Assessor's Report (July, 2013) and compliance dated 24.03.2015 submitted by the college authorities and decided not to recommend recognition of DM(Pulmonary Medicine) qualification granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following:-

1. None of the faculty member possess D.M. qualification or 02 year special training in Pulmonary Medicine.
2. Other deficiencies as pointed out in the Assessment Report.

In case, the College Authorities desire to submit compliance, the same should be received in this office within 6 weeks. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the Postgraduate Course against the above mentioned seats. As per provisions of section 11(2) of the IMC Act, 1956 (and stipulated in LoP) failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course."

The above decision was communicated to the college authorities vide Council letter dated 01.07.2015.

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 25.09.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities was considered by the PG Sub-Committee at its meeting held on 15/02/2016 and the

PG Sub-Committee decided to refer the matter to the Postgraduate Medical Education Committee.

The matter along with compliance submitted by the college authorities vide letter dated 25.09.2015 and assessment reports (December, 2014) & (July, 2013) was considered by the P.G. Committee at its meeting held on 01.03.2016. The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (29/12/2014) along with the Council Assessor's Report (July, 2013) and compliance dated 25/09/2015 submitted by the college authorities and decided to verify compliance by way of Assessment."

The compliance verification assessment has been carried out by the Council Assessor on **01.04.2016**.

The matter along with Compliance Verification Assessment Report **01.04.2016** and previous assessment reports (**December, 2014**) & (**July, 2013**) was placed before the PG Committee at its meeting held on 26.04.2016. The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (01/04/2016) along with the Council Assessor's Report (July, 2013 & December, 2014) and compliance dated 25/09/2015 submitted by the college authorities and decided to recommend not to recognize DM(Pulmonary Medicine) qualification for 02 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. None of the faculty possesses D.M. qualification or 2 years special training in the subject. Deficiency remains as it is.
2. Certified copies of experience certificate from competent authority of place of work (Kozhikode and Alleppy) be provided pertaining to Dr. P.T. James, Professor & HoD clarifying that the department where he worked has been permitted for DM (Pulmonary Medicine).
3. There is no Dr. Deepak Talwar in Faculty Table, as has been stated in the compliance.
4. Dr. Somaya V.K., Asst. Professor is MD without any 2 years special training in Pulmonary Medicine. Hence, not eligible.
5. Dr. Arun Ramachandran Nayar, Asst. Professor is not eligible. No certificate of 2 years special training in Pulmonary Medicine in a teaching institution has been attached.
6. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

"This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject."

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats."

The above decision was communicated to the college authorities vide Council letter dated 30.04.2016.

In reference to above, the Dean/Principal Amrita School of Medicine, AIMS, Kochi vide letter dated 01.06.2016 has submitted compliance.

In the mean time Central Govt. vide letters dated 22.06.2016 and 30.06.2016 has submitted compliance / documents submitted by the Principal Amrita School of Medicine, AIMS, Kochi for necessary action in the light of the order dated 13.06.2016 of oversight committee.

In this regard, it is stated that status of the above qualification is as under:-

Course	Existing Intake			
	Recognized		Permitted	
	No.	Date	No.	Date
Degree			2	15.07.2010
Diploma				

The matter along with compliances submitted by the college authorities vide letter dated **01.06.2016**, Ministry letter dated **22.06.2016 & 30.06.2016** alongwith documents submitted by the college authorities and assessment reports (**April, 2016**), (**December, 2014**) & (**July, 2013**) is placed before the PG Committee for its consideration."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, the Postgraduate Medical Education Committee observed that in the case of Amrita School of Medicine, Kochi, representation was received for recognition of DM (Pulmonary Medicine) qualification u/s 11(2) of IMC Act, 1956. This application has not been received u/s 10A of IMC Act, 1956.

In view of above, the Postgraduate Medical Education Committee of the Council is of the opinion that the case of recognition of DM(Pulmonary Medicine) qualification at Amrita School of Medicine, Kochi does not fall within the ambit of the directions issued by the Oversight Committee and it was further decided to return the application to the Central Government and the compliances received from the college authorities may be processed as per procedure adopted.

131. Amrita Vishwa Vidyapeetham University - Recognition of MD(Emergency Medicine) qualification for 02 seats in respect of students being trained at Amrita School of Medicine, AIMS, Kochi.

Read: the Compliance Verification Assessment Report (04/04/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 14/06/2016 submitted by the college authorities and 20/06/2016 (received through the Central Government vide letters dated 22/06/2016 and 30/06/2016) on the standard of examination and other teaching facilities for Recognition of MD(Emergency Medicine) qualification for 02 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for recognition of MD (Emergency Medicine) qualification for 02 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that the Postgraduate Medical Education Committee of this Council at its meeting held on 28/07/2015 considered the Council Assessor's Report (May, 2015) on the standard of examination and other teaching facilities for Recognition of MD(Emergency Medicine) qualification for 02 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University and decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (May, 2015) and decided to recommend not to recognize MD(Emergency Medicine) qualification for 02 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. *With regard to teaching experience of Dr. S. Vaidyanathan, Professor, dates are not matching as detailed in the report.*
2. *Form 16 in respect of Dr. Bina Devi, Asst. Prof. is not submitted.*
3. *Details of beds occupied in MICU, SICU, NICU, PICU, ICCU are not provided.*
4. *There are no publications from the department in indexed journals in last 3 years.*
5. *Both Senior Residents are MBBS and no Certificate of Teaching Experience enclosed.*
6. *The information is not provided regarding the subject in which Faculty members have PG Degrees and subject of their posting and promotion. There is no Certificate of Special Training.*
7. *Both the Professors have their previous experience in their parent department (not in Emergency Medicine) and there is no 2 years Special Training to the credit of any of them.*
8. *Other deficiencies as pointed out in the Assessment Report.*

Admissions done (if any) against these seats after the first batch appeared in Examination till their recognition will be irregular, not in accordance with MCI regulations (notified with prior permission of Central Government on 21/07/2009) and will not be recognized. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats i.e. as per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission against these postgraduate seats. In case, the college authorities desire to submit compliance, same should be received in this office

preferably within six weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats."

The above decision was communicated to the college authorities vide Council letter dated 11.08.2015 .

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 10.09.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities was considered by the PG Sub-Committee at its meeting held on 15/02/2016 and the PG Sub-Committee decided to refer the matter to the Postgraduate Medical Education Committee.

The matter along with compliance submitted by the college authorities vide letter dated 10.09.2015 and assessment report (**May, 2015**) was placed before the PG Committee at its meeting held on 01.03.2016 . The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (June, 2015) and compliance dated 10/09/2015 submitted by the college authorities and decided to verify compliance by way of Assessment specially asking the college authorities to clarify the subject in which the Faculty Members have worked in different ranks (Emergency Medicine or their parent department)."

The compliance verification assessment has been carried out by the Council Assessor on **04.04.2016**.

The matter along with Compliance Verification Assessment Report **04.04.2016** and previous assessment report (**May, 2015**) was placed before the PG Committee at its meeting held on 06.05.2016. The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (04/04/2016) along with the Council Assessor's Report (June, 2015) and compliance dated 10/09/2015 submitted by the college authorities and decided to recommend not to recognize MD(Emergency Medicine) qualification for 02 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. Bed occupancy was 31.75 % on day of assessment.
2. Dr. G. Ganapathi Rao, Professor has no special training in Emergency Medicine.
3. There are only 2 faculty shown in the faculty table; resultantly faculty complement is incomplete & it cannot be considered as PG Unit.
4. Dr. Girish Kumar K.P., Professor has experience in the department of General Medicine as Asst. Professor from 11/11/2003 to 10/11/2008 at Amrita School of Medicine, Kochi and Dr. G. Ganpathi Rao, Professor has experience in the department of General Medicine as Lecturer/ Assistant Professor from 13/01/1984 to 27/04/1998 at Medical College, Calicut and Medical College, Thrissur; Assoc. Professor from 27/04/1998 to 31/01/2002 at Medical College, Trivandrum and Medical College, Calicut; Assoc. Professor from 01/02/2002 to 31/04/2002 at Amrita School of Medicine, Kochi and Professor from 01/05/2002 to 31/12/2013 at Amrita School of Medicine, Kochi.
5. Dr. Naveen Mohan is shown as "Senior Resident" in the column of Designation but in the column of experience, it is shown as "Junior Resident" w.e.f 02/05/2012 till date. This dichotomy needs to be clarified.

- 6. Teaching experience of both Residents is not proper. Deficiency remains as it is.
- 7. Certificate of special training is not provided in respect of faculty.
- 8. Beds in Casualty are also counted for Emergency Medicine which is not permissible.
- 9. Certain wards are not as per MSR Regulations.
- 10. Dean has not signed the assessment report.
- 11. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

“This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject.”

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.”

The above decision was communicated to the college authorities vide Council letter dated 11.05.2016.

In reference to above, the Dean/Principal Amrita School of Medicine, AIMS, Kochi vide letter dated 14.06.2016 has submitted compliance.

In the mean time Central Govt. vide letters dated 22.06.2016 and 30.06.2016 has submitted compliance/documents submitted by the Principal Amrita School of Medicine, AIMS, Kochi for necessary action in the light of the order dated 13.06.2016 of oversight committee.

In this regard, it is stated that status of the above qualification is as under:-

Course	Existing Intake			
	Recognized		Permitted	
	No.	Date	No.	Date
Degree			02	31.03.2012
Diploma				

The matter along with compliances submitted by the college authorities vide letter dated 14.06.2016, Ministry letter dated 22.06.2016 & 30.06.2016 alongwith documents submitted by the college authorities and assessment reports (April, 2016) & (May, 2015) is placed before the PG Committee for its consideration.”

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, the Postgraduate Medical Education Committee observed that in the case of Amrita School of Medicine, Kochi, representation was received for recognition of MD (Emergency Medicine) qualification u/s 11(2) of IMC Act, 1956. This application has not been received u/s 10A of IMC Act, 1956.

In view of above, the Postgraduate Medical Education Committee of the Council is of the opinion that the case of recognition of MD (Emergency Medicine) qualification at Amrita School of Medicine, Kochi does not fall within the ambit of the directions issued by the Oversight Committee and it was further decided to return the application to the Central Government and the compliances received from the college authorities may be processed as per procedure adopted.

132. Amrita Vishwa Vidyapeetham University - Recognition of MD/MS(OBG) qualification against increased intake from 02 to 03 seats in respect of students being trained at Amrita School of Medicine, AIMS, Kochi.

Read: the Compliance Verification Assessment Report (11/04/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 14/06/2016 submitted by the college authorities and 20/06/2016 (received through the Central Government vide letters dated 22/06/2016 and 30/06/2016) on the standard of examination and other teaching facilities for Recognition of MD/MS(OBG) qualification against increased intake from 02 to 03 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for recognition of MD/MS (OBG) qualification against increased intake from 02 to 03 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that the Post Graduate Medical Education Committee of this Council at its meeting held on 14th July, 2015 considered the Council Assessor's Report (April, 2015) on the standard of examination and other teaching facilities for Recognition of MD/MS(OBG) qualification against increased intake from 02 to 03 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University and decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (April, 2015) and decided to recommend not to recognize MD/MS(OBG) qualification against increased intake from 02 to 03 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. Number of Caesarean sections are shown as 3-6/day while total LSCS for the year are shown as 324 which is not feasible. There is data mismatch.
2. There was NIL Major Obstetric operation on day of assessment as well as on 3 random days.
3. Academic parameters like Journal Club (20/year), Group Discussions (12/year) are inadequate.
4. IPD patients were 50 on 60 beds, then how occupancy was 100%?

5. Exact number of deliveries in 3 years has not been provided. Even if we take the minimum number of 7 per day (as stated in the Report), it doesn't tally with total births during the year.

6. Total number of Major Operations (1303) and Births (1793), total (3096), which is more than total IPD of the year 2014 (2956), which is not feasible. There must be some patients who were admitted for problems other than deliveries and surgeries and some Minor Operations must also have been done after admissions. Obviously, data is non-genuine.

7. Unit-I:

a. PG Degree of Dr. Rajamal B., Professor is not recognized and his promotion is not as per Regulations. He was Asst. Professor for 2 years against the requirement of 5 years.

b. Appointment of Dr. Chitra R., Assoc. Professor is not as per Regulations. She passed DNB in 2008 and has been appointed Asst. Professor in 2007, which is not permissible.

c. Dr. Sudha S., Professor passed DNB in 2000. She has no post DNB teaching experience at the time of appointment.

d. Postgraduate Degree of Dr. Sini S., Asst. Professor is not Recognized.

8. Unit-II:

a. Postgraduate Degree of Dr. K. Radhamani is not Recognized.

b. Dr. Rajashri, Senior Resident is not eligible. He has no 3 years teaching experience at the time of appointment. Consequently, there is a deficiency of Senior Resident: 1.

9. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats after the first batch appeared in Examination and prior to their recognition will not be in accordance with MCI regulations (notified with prior permission of Central Government). This is also clarified in letter of permission issued for these seats i.e. as per provisions of section 11(2) of the IMC Act, 1956, failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission against these postgraduate seats. In case the college authorities desire to submit compliance, same should be received in this office (definitely, prior to next admission so that the same can be finally decided) but preferably within six weeks. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats."

The above decision was communicated to the college authorities vide Council letter dated 24.07.2015 .

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 25.09.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities vide letter dated **25.09.2015** and assessment reports (**April, 2015**) was placed before the PG Sub-Committee of this Council at its meeting held on 15.02.2016. The PG Sub-Committee decided as under:-

"The P.G. Sub-Committee after perusal of the compliance decided to verify the compliance by way of Assessment."

The compliance verification assessment has been carried out by the Council Assessor on **11.04.2016**.

The matter along with Compliance Verification Assessment Report (**11.04.2016**) and previous assessment report (**April, 2015**) was placed before the PG Committee at its meeting held on 12.05.2016 .The Committee decided as under:-

“The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (11/04/2016) along with the Council Assessor’s Report (April, 2015) and compliance dated 25/09/2015 submitted by the college authorities and decided to recommend not to recognize MD/MS(OBG) qualification against increased intake from 02 to 03 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

- 1. Records of teaching programmes are not well maintained.*
- 2. Total deliveries in a year have decreased from 2,064 in 2012 to 1,793 in 2014. On the day of assessment, there was no delivery.*
- 3. Explanation of the college regarding discrepancy in total IPD vis-à-vis total deliveries + Major operations is not tenable. Even those patients who are managed on daycare basis have to be admitted if the daycare is towards a Major operation; else the classification of the procedure to Major operation is incorrect.*
- 4. Dr. Rajashree M., Senior Resident, Unit I does not possess 3 years experience as Resident in medical college; hence not qualified to hold the post.*
- 5. Dr. Sudha S. has been promoted as Asso. Prof. after cutoff date without any publications, which is not as per Regulations.*
- 6. Other deficiencies as pointed out in the Assessment Report.*

Admissions done (if any) against these seats i.e. increased intake from 2 to 3 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

“This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject.”

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.”

The above decision was communicated to the college authorities vide Council letter dated 20.05.2016.

In reference to above, the Dean/Principal Amrita School of Medicine, AIMS, Kochi vide letter dated 14.06.2016 has submitted compliance.

In the mean time Central Govt. vide letters dated 22.06.2016 and 30.06.2016 has submitted compliance / documents submitted by the Principal Amrita School of Medicine, AIMS, Kochi for necessary action in the light of the order dated 13.06.2016 of oversight committee.

In this regard, it is stated that status of the above qualification is as under:-

Course	Existing Intake			
	Recognized		Permitted	
	No.	Date	No.	Date
Degree	2		2 to 3	18.05.2012
Diploma	2	31.03.2010		

The matter along with compliances submitted by the college authorities vide letter dated **14.06.2016**, Ministry letter dated **22.06.2016 & 30.06.2016** alongwith documents submitted by the college authorities and assessment reports (**April, 2016**) & (**April, 2015**) is placed before the PG Committee for its consideration."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant - medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, the Postgraduate Medical Education Committee observed that in the case of Amrita School of Medicine, Kochi, representation was received for recognition of MD/MS (OBG) qualification u/s 11(2) of IMC Act, 1956. This application has not been received u/s 10A of IMC Act, 1956.

In view of above, the Postgraduate Medical Education Committee of the Council is of the opinion that the case of recognition of MD/MS (OBG) qualification at Amrita School of Medicine, Kochi does not fall within the ambit of the directions issued by the Oversight Committee and it was further decided to return the application to the Central Government and the compliances received from the college authorities may be processed as per procedure adopted.

133. Amrita Vishwa Vidyapeetham University - Recognition of MD(DVL) qualification for 2 seats in respect of students being trained at Amrita School of Medicine, AIMS, Kochi.

Read: the Council Assessor's Report (December, 2014) and compliance dated 20/06/2016 (received through the Central Government vide letters dated 22/06/2016 and 30/06/2016) on the standard of examination and other teaching facilities for Recognition of MD(DVL) qualification for 2 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for recognition of MD(DVL) qualification for 02 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that the Post Graduate Medical Education Committee of this Council at its meeting held on 18/02/2015 considered the Council Assessor's Report (December, 2014) on the standard of examination and other teaching facilities for Recognition of MD(DVL) qualification for 2 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University and decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (December, 2014) and decided to recommend not to recognize MD(DVL) qualification for 2 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. Promotion of Dr. Jacob Thomas, Professor & HoD is not as per the Regulations. He has been Assoc. Professor for 2 years 4 months against the requirement of 4 years.
2. The Teaching Institute is paying stipend of Rs. 22, 000 p.m. to Residents. The stipend paid by State Govt. to Residents is not shown This be verified.
3. Academic parameter like Theory Classes is inadequate.
4. Other deficiencies as pointed out in the Assessment Report.

In case, the College Authorities desire to submit compliance, the same should be received in this office within 6 weeks. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the Postgraduate Course against the above mentioned As per provisions of section 11(2) of the IMC Act, 1956 (and stipulated in LoP) failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course."

The above decision was communicated to the college authorities vide Council letter dated 17.03.2015.

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 24.03.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities vide letter dated 24.03.2015 and assessment report (December, 2014) was placed before the PG Committee at its meeting held on 27.05.2015. The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (December, 2014) alongwith compliance dated 24.03.2015 submitted by the college authorities and decided not to recommend recognition of MD(DVL) qualification for 02 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. Promotion of Dr. Jacob Thomas, Professor & Head is not as per MCI norms as he has 02 years 04 months experience as Assoc. Prof. against the requirement of 04 years.
2. Other deficiencies as pointed out in the Assessment Report.

In case, the College Authorities desire to submit compliance, the same should be received in this office within 6 weeks. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the Postgraduate Course against the above mentioned seats. As per provisions of section 11(2) of the IMC Act, 1956 (and stipulated in LoP) failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission to the Postgraduate Course."

The above decision was communicated to the college authorities vide Council letter dated 01.07.2015 .

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 14.09.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities was considered by the PG Sub-Committee at its meeting held on 15/02/2016 and the PG Sub-Committee decided to refer the matter to the Postgraduate Medical Education Committee.

The matter along with compliance submitted by the college authorities vide letter dated 14.09.2015 and assessment report (December, 2014) is placed before the PG Committee at its meeting held on 01.03.2016. The Committee decided as under:-

“The Postgraduate Medical Education Committee considered the Council Assessor’s Report (December, 2014) and compliance dated 14/09/2015 submitted by the college authorities and decided to recommend not to recognize MD (DVL) qualification for 2 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. Promotion of Dr. Jacob Thomas, Professor & HoD is not as per Regulations as he was promoted to Professor with experience of only 2 years 4 months as Asso. Prof. Institute has downgraded his posting by re-designating first 1 year 8 months of his appointment as Professor at the institute as Asso. Prof. retrospectively. This is not permissible. No fresh promotion orders, joining report and declaration for has been attached.

2. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. 02 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

“This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject.”

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.”

The above decision was communicated to the college authorities vide Council letter dated 11.03.2016.

As per information available in the Section, Compliance has not been received from the college authorities till date.

In the mean time Central Govt. vide letters dated 22.06.2016 and 30.06.2016 has submitted compliance / documents submitted by the Principal Amrita School of Medicine, AIMS, Kochi for necessary action in the light of the order dated 13.06.2016 of oversight committee.

In this regard, it is stated that status of the above qualification is as under:-

Course	Existing Intake			
	Recognized		Permitted	
	No.	Date	No.	Date
Degree			02	31.03.2011
Diploma	01			

The matter alongwith (Ministry letters dated **22.06.2016 & 30.06.2016** alongwith documents submitted by the college authorities) and assessment report (**December, 2014**) is placed before the PG Committee for its consideration."

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats
- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, the Postgraduate Medical Education Committee observed that in the case of Amrita School of Medicine, Kochi, representation was received for recognition of MD (DVL) qualification u/s 11(2) of IMC Act, 1956. This application has not been received u/s 10A of IMC Act, 1956.

In view of above, the Postgraduate Medical Education Committee of the Council is of the opinion that the case of recognition of MD (DVL) qualification at Amrita School of Medicine, Kochi does not fall within the ambit of the directions issued by the Oversight Committee and it was further decided to return the application to the Central Government.

134. Amrita Vishwa Vidyapeetham University - Recognition of MS(General Surgery) qualification against increased intake from 04 to 06 seats in respect of students being trained at Amrita School of Medicine, AIMS, Kochi.

Read: the Compliance Verification Assessment Report (06/05/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 20/06/2016 (received through the Central Government vide letters dated 22/06/2016 and 30/06/2016) on the standard of examination and other teaching facilities for Recognition of MS(General Surgery) qualification against increased intake from 04 to 06 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University.

The Postgraduate Medical Education Committee perused the application submitted by Amrita School of Medicine, Elamkara, Kochi, Kerala for recognition of MS (General Surgery) qualification against increased intake from 04 to 06 seats, which has been returned by the Central Government, letter dated 13/06/2016 received from the Secretary, Oversight Committee and agenda note prepared by the office, which is reproduced below:

"It may be stated that the Post Graduate Medical Education Committee of this Council at its meeting held on 14th July, 2015 considered the Council Assessor's Report (April, 2015) on the standard of examination and other teaching facilities for Recognition of MS(General Surgery) qualification against increased intake from 04 to 06 seats at Amrita School of Medicine, AIMS, Kochi granted by Amrita Vishwa Vidyapeetham University and decided as under:-

"The Postgraduate Medical Education Committee considered the Council Assessor's Report (April, 2015) and decided to recommend not to recognize MS(General Surgery) qualification against increased intake from 04 to 06 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being

trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

1. OPD on day of assessment is 101 which is just bare minimum for starting of PG course. Average OPD is 118 which is inadequate.
2. Minor operations are shown as only 479 in a year in the table at Item # 7 on P. 8 which is inadequate. Daily Minor operations are shown as 26 in the table at item # 8 on P. 25 which does not match with data provided in the table on P. 8.
3. Major operations in a year are shown as 1,691 in a year giving an average of 5.6/day while average daily consumption of blood units in the department is shown as 5-10 which does not appear to be feasible. There is data mismatch.
4. Academic parameter like Journal Club (12/year) is inadequate.
5. Except Dr. Venkateshan Ranganathan no other Senior Resident is eligible since, none has 3 years teaching experience before appointment as Senior Resident. Consequently, there is a deficiency of Senior Residents: 5.
6. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats after the first batch appeared in Examination and prior to their recognition will not be in accordance with MCI regulations (notified with prior permission of Central Government). This is also clarified in letter of permission issued for these seats i.e. as per provisions of section 11(2) of the IMC Act, 1956, failure to seek timely recognition/ renewal of recognition as required shall invariably result in stoppage of admission against these postgraduate seats. In case the college authorities desire to submit compliance, same should be received in this office (definitely, prior to next admission so that the same can be finally decided) but preferably within six weeks. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats."

The above decision was communicated to the college authorities vide Council letter dated 24.07.2015 .

In reference to above, the Dean/Principal, Amrita School of Medicine, AIMS, Kochi vide letter dated 26.10.2015 has submitted compliance.

The matter along with compliance submitted by the college authorities vide letter dated 26.10.2015 and assessment report (April, 2015) was placed before the PG Sub-Committee of this Council at its meeting held on 15.02.2016. The PG Sub-Committee decided as under:-

"The P.G. Sub-Committee after perusal of the compliance decided to verify the compliance by way of Assessment."

The compliance verification assessment has been carried out by the Council Assessor on **06.05.2016**.

The matter along with Compliance Verification Assessment Report (**06.05.2016**) and previous assessment report (April, 2015) was placed before the PG Committee at its meeting held on 24.05.2016 .The Committee decided as under:-

"The Postgraduate Medical Education Committee considered the Compliance Verification Assessment Report (06/05/2016) along with the Council Assessor's Report (April, 2015) and compliance dated 26/10/2015 submitted by the college authorities and decided to recommend not to recognize MS(General Surgery) qualification against increased intake from 04 to 06 seats granted by Amrita Vishwa Vidyapeetham University in respect of students being trained at Amrita School of Medicine, AIMS, Kochi because of the following facts:-

- 1. Professor, Unit-I, Dr. Riju R. promoted on 01/01/2015 after the cut-off date without any publications, which is not as per Regulations.
- 2. Promotion of Col. Mala Mathur, Unit-II is not as per Regulations. She has been Asst. Professor for 4 years 9 months and promoted Professor on 16/09/2014 after the cut-off date without any publications, which is not as per Regulations. Resultantly, Unit-II left with only 2 Faculty.
- 3. 7 Junior Residents were not available on inspection day. No proof of attending conference attached.
- 4. Other deficiencies as pointed out in the Assessment Report.

Admissions done (if any) against these seats i.e. increased intake from 4 to 6 seats after the first batch appeared in Examination till their recognition will be irregular/ illegal and not in accordance with MCI regulations (notified with prior permission of Central Government vide notification dated 21/07/2009) and will not be recognized. As per provisions of the Postgraduate Medical Education Regulations, 2000, failure to seek timely recognition as required shall invariably result in stoppage of admission to the concerned Post Graduate Course. This is also clarified in the letter of permission granted u/s 10A of the IMC Act, 1956 issued for these seats, which reads as under:

“This permission for starting/ increase of seats in the above course and admission of students will be till such time the first batch of students admitted against the above course appears for the first final examination in the subject.”

In case, the college authorities desire to submit compliance, same should be received in this office preferably within four weeks of issue of this letter but definitely, prior to next admission so that the matter of recognition can be finally decided. If no compliance is received within this period or compliance/ compliance verification is found unsatisfactory, it will result in stoppage of admission to the postgraduate course against the above mentioned seats.”

The above decision has not been communicated to the college authorities, as the minutes have not been approved by the oversight committee till date.

In the mean time Central Govt. vide letters dated 22.06.2016 and 30.06.2016 has submitted compliance / documents submitted by the Principal Amrita School of Medicine, AIMS, Kochi for necessary action in the light of the order dated 13.06.2016 of oversight committee.

In this regard, it is stated that status of the above qualification is as under:-

Course	Existing Intake			
	Recognized		Permitted	
	No.	Date	No.	Date
Degree	4	13.04.2009	4 to 6	24.04.2012
Diploma				

The matter along with compliance\documents received from Ministry vide college letter dated **22.06.2016 & 30.06.2016** and assessment reports (**May , 2016**) & (**April, 2015**) is placed before the PG Committee for its consideration.”

The directions issued by the Oversight Committee vide its communication dated 13/06/2016 were considered by the Postgraduate Medical Education Committee and it was observed that the satisfaction of the following two conditions was precedent for the implementation of the aforesaid directions. In fact a reading of the communication dated 13/06/2016 itself provides the following two conditions:-

- (1) The application should be u/s 10A of IMC Act for start/ increase in super-speciality seats

- (2) The applicant – medical college had not been afforded an opportunity for furnishing compliance to the deficiencies noticed in the inspections conducted by the Council.

Upon perusal of Agenda Note, the Postgraduate Medical Education Committee observed that in the case of Amrita School of Medicine, Kochi, representation was received for recognition of MS (General Surgery) qualification u/s 11(2) of IMC Act, 1956. This application has not been received u/s 10A of IMC Act, 1956.

In view of above, the Postgraduate Medical Education Committee of the Council is of the opinion that the case of recognition of MS (General Surgery) qualification at Amrita School of Medicine, Kochi does not fall within the ambit of the directions issued by the Oversight Committee and it was further decided to return the application to the Central Government and the compliances received from the college authorities may be processed as per procedure adopted.

The minutes are subject to approval of the Hon'ble Oversight Committee.

Meeting ended with a vote of thanks to the Chair.

(Dr. Reena Nayyar)
Secretary I/c

New Delhi, dated the
1st July, 2016

APPROVED

(Dr. Siri Bhagwan Siwach)
Chairman