

No.MCI-5(3)/2005-Med./
MEDICAL COUNCIL OF INDIA
EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 11th July, 2005 at 10.00 a.m. in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi –2 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002, along with Special Invitees were also present.

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Present:

Dr. P.C. Kesavankutty Nayar]President (Acting)]Former Dean,]Govt. Medical College,]Trivandrum.
Prof. P.N.Tandon]Former Prof. & Head of Neuro-]Surgery, A.I.I.M.S, New Delhi and]Member, Adhoc Committee]appointed by the Hon'ble Supreme Court.
Dr. (Mrs.) S.Kantha]Former Vice Chancellor,]Rajiv Gandhi University of Health]Sciences, Karnataka and Member,]Adhoc Committee appointed by]the Hon'ble Supreme Court.
Dr. D .K. Sharma]Former Prof. & Head]Deptt. of Paediatrics]LLRM Medical College]Meerut.
Dr. P.K. Sur]Director,]I.P.G.M.E.R.,]Kolkatta.
Dr. G.B. Gupta]Prof. of Medicine, Pt. JNM Medical]College, Raipur.
Dr. Mukesh Kr. Sharma]Deptt. of General Surgery,]S.M.S. Medical College,]Jaipur.
Dr. Nitin S. Vora]Director, Health Services(ESIS),]Govt. of Gujarat.
<u>Special Invitees :</u>	
Dr. K.P. Mathur]Honorary Physician to the]former Hon'ble Prime Minister of India]and Member of the Council nominated by]the Govt.of India]77, Chitra Vihar,]Delhi-110092.
Dr. Sneh Bhargava]Former Director, A.I.I.M.S., New Delhi]A – 103, New Friends Colony,]New Delhi-110065.
Lt. Col. (Retd.) Dr. A.R.N. Setalvad	-]Secretary

The apology for absence was received from Prof. N. Rangabashyam, member of the Adhoc Committee & Dr. Bhagabati Charan Das, member of the Executive Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the letter of the Central Govt. dated 30.06.2005, reply of the Council office dated 01.07.2005, letter of the Central Govt. dated 02.07.2005 and the reply of the Council dated 05.07.2005.

1. Establishment of new medical college at Kalitheerthalkuppam, Pondicherry by Sri Manakula Vinayagar Educational Trust, Madagadipet, Pondicherry – Grant of Letter of Permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (1st – 2nd June, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for establishment of new medical college at Kalitheerthalkuppam, Pondicherry by Sri Manakula Vinayagar Educational Trust, Madagadipet, Pondicherry.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed)

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

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| 7. Recommendations of Medical Council of India to Central Government for issue of Letter of Permission | 15th June |
| 8. Issue of Letter of Permission by the Central Government | 15th July |
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Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.

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

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions

No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Sri Manakula Vinayagar Educational Trust, Pondicherry under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

2. **Establishment of new medical college at Bishnupur Distt., (Manipur) by college of Medical Sciences & Society, Bishnupur – Grant of letter of permission.**

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (9th – 10th June, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for establishment of new medical college at Bishnupur Distt., (Manipur) by college of Medical Sciences & Society, Bishnupur.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions :-

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms :-

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of College of Medical Sciences & Society, Bishnupur under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

3. Establishment of new medical college at Davangere by Bapuji Educational Association, Davangere.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (19th – 20th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for establishment of new medical college at Davangere by Bapuji Educational Association, Davangere.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions :-

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- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**
16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant

of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Bapuji Educational Association, Davangere under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

4. Establishment of Theni Govt. Medical College at Theni by Govt. of Tamilnadu.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (23rd & 24th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for Establishment of Theni Govt. Medical College at Theni by Govt. of Tamilnadu.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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2. Receipt of applications by the MCI from Central Govt.	30 th September
3. Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31st December
4. Issue of Letter of Intent by the Central Government	31st January
5. Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28th February
6. Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15th March
7. Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15th June
8. Issue of Letter of Permission by the Central Government	15th July

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
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14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

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The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any

permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Establishment of a new medical college, Theni Govt. Medical College at Theni by Government of Tamil Nadu. under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

5. **Establishment of new medical college at Thiruvananthapuram by Dr. K.N. Pai Heart Foundation, Trivandrum - Grant of letter of permission.**

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (25th & 26th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for Establishment of new medical college at Thiruvananthapuram by Dr. K.N. Pai Heart Foundation, Trivandrum.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

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2. Receipt of applications by the MCI from Central Govt.	30 th September
3. Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31st December
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- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
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15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant

of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Dr. K.N. Pai Heart Foundation, Trivandrum under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

6. Establishment of Shri Guru Ram Rai Instt. of Medical & Health Sciences, Dehradun by Shri Guru Ram Rai Education Mission, Dehradun – Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (10th & 11th June, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for Establishment of Shri Guru Ram Rai Instt. of Medical & Health Sciences, Dehradun by Shri Guru Ram Rai Education Mission, Dehradun.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Establishment of a new medical college, Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun by Shri Guru Ram Rai Education Mission, Dehradun under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

7. Dr. Nijalingappa Medical College, Bagalkot – Renewal of permission for admission of 4th batch of students for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (26th –27th April 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of 4th batch of students for the academic session 2005-06 at Dr. Nijalingappa Medical College, Bagalkot.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any

permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 4th batch of students for academic session 2005-06 at Dr. Nijalingappa Medical College, Bagalkot under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

8. M.V.J. Medical College & Research Hospital, Bangalore – Renewal of permission for admission of fresh batch of students for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (11th - 12th May 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of fresh batch of MBBS students for the academic session 2005-06 at M.V.J. Medical College & Research Hospital, Bangalore.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the adhoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of fresh batch of students for the academic session 2005-06 at MVJ Medical College and Research Hospital, Bangalore under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

9. Sri Aurobindo Institute of Medical Sciences, Indore – Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (09th & 10th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of 2nd batch of MBBS students for the academic session 2005-2006 at Sri Aurobindo Institute of Medical Sciences, Indore.

The members of the Executive Committee of the Council and of the Adhoc Committee appointed by Hon'ble Supreme Court also observed that as such, any insinuation on behalf of the college authorities of any alleged delay on the part of the Council is not only contrary to the record but is also completely untrue and misleading.

The decision of the Committee with reference to the abovementioned letter of the Govt. of India and the compliance submitted by the college is as under:-

"The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

by the Medical Council of India for consideration for issue of Letter of Permission

- | | |
|--|-----------|
| 7. Recommendations of Medical Council of India to Central Government for issue of Letter of Permission | 15th June |
| 8. Issue of Letter of Permission by the Central Government | 15th July |
-

Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.

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

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions :-

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated

15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 2nd batch of students for the academic session 2005-06 at Sri Aurobindo Institute of Medical Sciences, Indore under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

10. Medicity Institute of Medical Sciences, Ghanpur(A.P.)-Renewal of permission for admission of 3rd batch of MBBS students for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (11th-12th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of 3rd batch of MBBS students for the academic session 2005-2006 at Medicity Institute of Medical Sciences, Ghanpur(A.P.).

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any

permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 3rd batch of students for the academic session 2005-06 at Medicity Institute of Medical Sciences, Ghanpur (A.P) under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

11. Kesar Sal Medical College and Research Institute, Ahmedabad-Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (20th & 21st May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of 2nd batch of MBBS students for the academic session 2005-2006 at Kesar Sal Medical College and Research Institute, Ahmedabad.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**
16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 2nd batch of students for the academic session 2005-06 at Kesar Sal Medical College and Research Institute, Ahmedabad under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

12. M.E.S. Medical College, Malapuramba Calicut-Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (18th & 19th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of 2nd batch of MBBS students for the academic session 2005-2006 at M.E.S. Medical College, Malapuramba Calicut.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions :-

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms :-

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble

Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 2nd batch of students for the academic session 2005-06 at M.E.S. Medical College, Malapuramba Calicut under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

13. Swami Vivekananda Instt. of Medical Sciences & Research, Valia, Gujarat - Renewal of permission for admission of 4th batch of MBBS students for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (11th & 12th May, 2005) as forwarded by the Central Govt. vide letter dt. 30th June, 2005 for renewal of permission for admission of 4th batch of MBBS students for the academic session 2005-2006 at Swami Vivekananda Instt. of Medical Sciences & Research, Valia, Gujarat.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 4th batch of students for the academic session 2005-06 at Swami Vivekananda Institute of Medical Sciences & Research Valia, Gujarat under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

14. Govt. Medical College, Toothukudi – Renewal of permission for admission of 6th batch of students for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (15th & 16th April, 2005) as forwarded by the Central Govt. vide letter dt. 15th June, 2005 for renewal of permission for admission of 6th batch of students for the academic session 2005-06 at Govt. Medical College, Toothukudi.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions :-

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms :-

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant

of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 6th batch of students for the academic session 2005-06 at Govt. Medical College, Toothukudi, Tamil Nadu under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

15. Coimbatore Medical College, Coimbatore – Renewal of permission of admission of 2nd batch of students against the increased intake i.e. from 110 to 150 for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (15th & 16th April, 2005) as forwarded by the Central Govt. vide letter dt. 15th June, 2005 for renewal of permission for admission of 2nd batch of students against the increased intake i.e. from 110 to 150 for the academic session 2005-06 at Coimbatore Medical College, Coimbatore.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- | | |
|--|-----------|
| 7. Recommendations of Medical Council of India to Central Government for issue of Letter of Permission | 15th June |
| 8. Issue of Letter of Permission by the Central Government | 15th July |
-

Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.

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

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions

No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant renewal of permission for admission of 2nd batch of students for increase of intake from 110 to 150 for the academic year 2005-06 at Coimbatore Medical College, Coimbatore under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

16. Tirunelveli Medical College, Tirunelveli – Renewal of permission for admission of 3rd batch of MBBS students against the increased intake i.e. 100-150 for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (01st & 02nd April, 2005) as forwarded by the Central Govt. vide letter dt. 15th June, 2005 for renewal of permission for admission of 3rd batch of students against the increased intake i.e. 100-150 for the academic session 2005-06 at Tirunelveli Medical College, Tirunelveli.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant Renewal of permission for admission of 3rd batch of students for increase of intake from 100 to 150 at Tirunelveli Medical College, Tirunelveli for the academic year 2005-06 under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

17. Chhattisgarh Institute of Medical Sciences, Bilaspur – Renewal of permission for admission of 5th batch of students for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (2nd & 3rd June, 2005) as forwarded by the Central Govt. vide letter dt. 04^h July, 2005 for renewal of permission for admission of 5th batch of students for the academic session 2005-06 at Chattisgarh Institute of Medical Sciences, Bilaspur.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."***

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant permission for admission of 5th batch of students for the academic year 2005-06 to Chhatisgarh Institute of Medical Sciences, Bilaspur under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

18. Uttranchal Forest Hospital Trust Medical College, Haldwani – Renewal of permission for admission of 2nd batch of students for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (8th & 9th June, 2005) as forwarded by the Central Govt. vide letter dt. 05th July, 2005 for renewal of permission for admission of 2nd batch of students for the academic session 2005-06 at Uttranchal Forest Hospital Trust Medical College, Haldwani.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions :-

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."***

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 2nd batch of students for the academic session 2005-06 at Uttaranchal Forest Hospital Trust Medical College, Haldwani under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

19. Aarupadai Veedu Medical College, Pondicherry-Renewal of permission for admission of 6th batch of MBBS students for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (3rd & 4th June, 2005) as forwarded by the Central Govt. vide letter dt. 04th July, 2005 for renewal of permission for admission of 6th batch of students for the academic session 2005-06 at Aarupadai Veedu Medical College, Pondicherry.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that still the institution has not been able to obtain the letter of affiliation for the batch of the academic year 2004-05. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**
16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for

admission of 6th batch of students for the academic session 2005-06 at Aarupadai Veedu Medical College, Pondicherry under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

20. Establishment of new medical college at Bhubaneswar by Sikshya “O” Anusandhan Charitable Educational Society, Bhubaneswar – Grant of Letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (30th & 31st May, 2005) as forwarded by the Central Govt. vide letter dt. 06th July, 2005 for establishment of new medical college at Bhubaneswar by Sikshya “O” Anusandhan Charitable Educational Society, Bhubaneswar.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Sikshya "O" Anusandhan Charitable Educational Society, Bhubaneshwar under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

21. Establishment of new medical college at Dhamtari, Chhatisgarh by Mennonite Medical Board Trust, Dhamtari, Chhatisgarh - Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (9th & 10th May, 2005) as forwarded by the Central Govt. vide letter dt. 04th July, 2005 for establishment of new medical college at Dhamtari, Chhatisgarh by Mennonite Medical Board Trust, Dhamtari, Chhatisgarh.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Mennonite Medical Board Trust, Dhamtari, Chhatisgarh under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

22. Establishment of new medical college at Panikhaiti Kamrup by Down Charity Trust, Guwahati, Assam-Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (13th & 14th May, 2005) as forwarded by the Central Govt. vide letter dt. 06th July, 2005 for establishment of new medical college at Panikhaiti Kamrup by Down Charity Trust, Guwahati, Assam.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."*

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. In this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble

Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Down Charity Trust, Guwahati, Assam under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

23. Establishment of new medical college at Agartala by Global Educational Net, Ambalapuzha, Alleppy – Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (8th & 9th June, 2005) as forwarded by the Central Govt. vide letter dt. 06th July, 2005 for establishment of new medical college at Agartala by Global Educational Net, Ambalapuzha, Alleppy.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."*

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble

Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Global Educational Net, Ambalapuzha, Alleppy to establish a new medical college at Agartala under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

24. Establishment of new medical college at Vikarabad, by Bhagwan Mahavir memorial trust, Hyderabad-Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (9th – 10th May, 2005) as forwarded by the Central Govt. vide letter dt. 05th July, 2005 for establishment of new medical college at Vikarabad, by Bhagwan Mahavir memorial trust, Hyderabad.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."*

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble

Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Bhagwan Mahavir Memorial Trust, Hyderabad under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

25. Pt. Bhagwat Dayal Sharma Postgraduate Instt. of Medical Sciences, Rohtak - Renewal of permission for admission of 6th batch of MBBS students against the increased intake i.e. 115 to 150 for the academic session 2005-2006.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (30th & 31th May, 2005) as forwarded by the Central Govt. vide letter dt.07^h July, 2005 for renewal of permission for admission of 6th batch of students against the increased intake i.e. from 115 to 150 for the academic session 2005-06 at Pt. Bhagwat Dayal Sharma Postgraduate Instt. of Medical Sciences, Rohtak

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the compliance submitted by this Govt. college alongwith the letter from Govt. of India dt. 15.07.2004 decided to recommend to the Central Govt. to grant permission to this (Renewal of Permission for admission of 6th batch of MBBS student against increased intake i.e. 115 to 150 for the academic session 2005-2006 to Pt. Bhagwat Dayal Sharma Postgraduate Institute of Medical Sciences, Rohtak) college for the academic year 2005-06.

26. Subharati Medical College, Meerut – Renewal of permission for admission of 6th batch of students for the academic session 2005-06.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (03rd –04th June 2005) as forwarded by the Central Govt. vide letter dt.06th July, 2005 for renewal of permission for admission of 6th batch of students for the academic session 2005-06 at Subharati Medical College, Meerut.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

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

-
- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake

capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. not to grant the Renewal of Permission for admission of 6th batch of students for the academic session 2005-06 at Subharati Medical College, Meerut under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

27. Establishment of new medical college at Mandya, by Govt. of Karnataka – Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (10th – 11th June, 2005) as forwarded by the Central Govt. vide letter dt. 08th July, 2005 for establishment of new medical college at Mandya, by Govt. of Karnataka.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."***

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Govt. of Karnataka to establish a new medical college at Mandya under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

28. Establishment of new medical college at Hassan, by Govt. of Karnataka – Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (08th – 09th June, 2005) as forwarded by the Central Govt. vide letter dt. 08th July, 2005 for establishment of new medical college at Hassan, by Govt. of Karnataka.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-
".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.***
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.***
- 16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."*

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble

Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Hassan Institute of Medical Sciences, Govt. of Karnataka under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

29. Establishment of new medical college at Belgaum, by Govt. of Karnataka - Grant of letter of permission.

Read: the compliance report submitted by the college authorities on rectification of the deficiencies pointed out in the Council Inspectors report (01st – 02nd June, 2005) as forwarded by the Central Govt. vide letter dt. 08th July, 2005 for establishment of new medical college at Belgaum, by Govt. of Karnataka.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured. In this regard, the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court considered the judgement of the Hon'ble Supreme Court dated 12.01.2005 in the case of Mridul Dhar Vs. UOI - WP(C) No.306/2004 was also perused. The Hon'ble Supreme Court in para 28 of this judgement observed as under:-

".....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

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

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

- Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.
- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government."

Thereafter in para 35 the Hon'ble Supreme Court has issued the following directions:-

".....35. Having regard to the aforesaid, we issue the following directions : -

1-13.

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

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

16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

After the above-mentioned judgement, the Medical Council of India had received a letter dated 15.03.2005 from the Ministry of Health & F.W., Govt. of India. IN this letter dated 15.03.2005, after referring to the directions of the Hon'ble Supreme Court dated 12.01.2005 in Mridul Dhar's case, the Govt. of India had requested the Council in the following terms : -

"..... You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time....."

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, after considering the contents of the compliance of this college received from the Central Govt. and having regard to the contents of the above-mentioned letter dated 15.03.2005 of the Govt. of India, on the careful reading of the abovementioned directions of the Hon'ble Supreme Court dated 12.1.2005 in the case of Mridul Dhar and specifically directions No. 14 and 15, came to the conclusion that without a physical verification by the Council, it is not possible to accept the claim of this college towards removal of deficiencies.

In the light of the abovementioned directions of the Hon'ble Supreme Court, it is the view of the Committee that when the directions No. 14 and 15 of the judgement of the Hon'ble Supreme Court are read with para 28 of that judgement, there does not appear to be any permissibility to any concerned authority to not to strictly follow the time schedule towards grant of permission/renewal to the medical colleges under Section 10A of the Indian Medical Council Act, 1956 and the regulations made thereunder.

Accordingly, The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme of Belgaum Institute of Medical Sciences, Govt. of Karnataka under Section 10A of the Indian Medical Council Act, 1956.

(Annexure overleaf)

30. Kempegowda Instt. of Medical Sciences, Bangalore – Restoration of MBBS Seats.

Read: the compliance report submitted by the Principal, Kempegowda Instt. of Medical Sciences, Bangalore on rectification of deficiencies pointed out in the MCI inspection report (30th & 31st May, 2005) for restoration of MBBS seats for the year 2005-06.

The members of the Executive Committee and the ad hoc Committee appointed by the Hon'ble Supreme Court perused the compliance submitted by the abovementioned college to the Central Govt. and forwarded to the Council. On the consideration of the compliance report in the light of the findings of the latest inspection report of the Council, the following has been observed. (The compliance sent by the institution and observation/comments by the Council are herewith annexed).

It was observed by the members of the Executive Committee of the Council and of the ad hoc Committee appointed by the Hon'ble Supreme Court that without a physical verification by the Council, confirmation of compliance by the college with reference to the deficiencies pointed out in the latest inspection report regarding a number of significant minimum requirements as per the statutory norms prescribed by the Council, cannot be secured.

The members of the Executive Committee and of the ad hoc Committee appointed by the Hon'ble Supreme Court, having regard to the persisting deficiencies as pointed out above in the comparative table set out in the Annexure, decided to reiterate its earlier decision to permit Kempegowda Institute of Medical Sciences, Bangalore to admit 50 students for the academic session 2005-06.

(Annexure overleaf)

Lt Col (Retd) Dr. A.R.N. Setalvad)
Secretary

New Delhi, Dated
the 11th July, 2005

A P P R O V E D

(DR. P.C. KESAVANKUTTY NAYAR)
PRESIDENT (ACTING)

At this point President (Acting) requested the Secretary to refrain himself from attending the remaining part of the meeting wherein the Secretary left the hall.

The minutes of item No. 31 are kept separately by the President (Acting) in his custody.