

No. MCI-5(3)/2013-Med.Misc./

MEDICAL COUNCIL OF INDIA
NEW DELHI
EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 26th April, 2014 at 12.00 Noon in the Council office at Sector 8, Pocket 14, Dwarka, New Delhi.

Present:

Dr. Jayshreeben Mehta	President, Medical Council of India, Former Professor of Surgery, Govt. Medical College, Vadodara, Gujarat.
Dr. Baldev Singh Aulakh	Professor of Urology and Transplant Surgery, Head Transplant Unit, Dayanand Medical College, <u>Ludhiana</u>
Dr. G.B. Gupta	Vice-Chancellor, Ayush & Health Sciences University, Raipur, <u>Chhattisgarh.</u>
Dr. Radha Madhab Tripathy	Professor and Head, Department of Community Medicine, MKCG Medical College, Berhampur.
Dr. V.N. Jindal	Dean, Goa Medical College, Bombolim-403202, <u>Goa</u>
Dr. Vijay Prakash Singh	Professor & Head, Department Of Gastroenterology, Patna Medical College, Patna, Bihar
Dr. Venkatesh Kakollu	Prof. of Surgery & I/c ADME, Gandhi Medical College, Secunderabad, Andhra Pradesh
Dr. Ravindra H.N	Deputy Director, Karnataka State AIDS Prevention Society, No. 4-13/1, Crescent Road, High grounds, <u>Bangalore - 560 001</u>

Shri Ashok Kr. Harit - Deputy Secretary (Admn.)

Leave of absence were received from Dr. C.V. Bhirmanandham, Dr. K.K. Gupta, Dr. Anil Mahajan, members, MCI.

1. Grant of Hearing to Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research in Compliance with Order dated 11.04.2014 of the Hon'ble Supreme Court in SLP (C) No. 29790 of 2013

The Council Office has received Order dated 11.04.2014 passed by the Hon'ble Supreme Court in the SLP filed by the Council. The Order reads as under:-

“College has been disqualified and debarred from admitting the students during the academic years 2013-2014 and 2014-2015 by an Order dated 25-6-2013. One academic year is already over. We are, therefore, concerned only with the academic year 2014-2015. One of the objections of the petitioner to the order dated 29-7-2013 passed by the learned Single Judge, which is affirmed by the Division Bench, is that the Single Judge has made certain observations which are in the nature of final observations on the interpretation of Regulations 8(3)(1)(b) and 8(3)(1)(d) of Establishment of Medical College Regulations, 1999.

In our opinion, since learned Single Judge has remitted the matter, till the larger issues are decided, it would be in the interest of parties if the Medical Council of India gives hearing to the first respondent and passes an appropriate order. Needless to say that the order shall be passed without being influenced by any observations made by the learned Single Judge in the order dated 29-7-2013 relating to the interpretation of Regulations 8(3)(1)(b) and 8(3)(1)(d) of Establishment of Medical College Regulations, 1999. The entire exercise should be completed within a period of three weeks from today. In case the first respondent wants to give any written submissions, they should be submitted within four days from today. The Registry is directed to place the matter high on board on Monday, the 5th May, 2014.”

In compliance with the aforesaid Order of the Hon'ble Supreme Court, a special meeting of Executive Committee was convened on 26.04.2014 to grant hearing to the representatives of the Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research (hereinafter “Medical College”). The College was represented at the hearing by Dr. V.R. Mrinalini, Dean, Mr. T. Harish Kumar, Advisor and Mr. S. Linganthan, Administrative Officer of the college. On behalf of the college, oral submissions were tendered by Mr. T. Harish Kumar, Legal Advisor and he submitted that the hospital run by the Trust was more than three decades old and it was catering to down trodden people and rural area. The college has a sanction intake capacity of 150 MBBS seats out of which 97 were filled by State Government and 53 by the Trust. He also submitted that because of the debarment order the infrastructure of the college is going waste and therefore the Executive Committee may take a lenient and sympathetic view and revoke the

debarment order for the academic year 2014-15. He submitted that he has nothing further to add in addition to the written representation submitted on 14.04.2014.

The Members of Executive Committee perused the representation dated 14.04.14 submitted by the Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melvaruvathur, alongwith the agenda note and the related file of the Medical College.

The Members of the Executive Committee noted that the Government of India after consideration of the scheme of the Medical College vide Order dated 4.07.2008 granted its permission for the establishment of the said Medical College with 150 MBBS Seats from the academic year 2008-09. On achieving the annual targets, the Govt. of India on the recommendations of the MCI granted renewal of permission to the Medical College for the academic years 2009-10 and 2010-11 and the Board of Governors in supersession of Medical Council of India (hereinafter Board of Governors) had granted renewal of the permission for academic years 2011-12 and 2012-13.

The Members of the Executive Committee observed that on 27.02.2012, the MCI had received a letter from the Central Bureau of Investigation (CBI), Anti-Corruption Branch, Chennai alongwith a self-contained note in the case No. RE 25(A)/2010 of ABC, Chennai against professional misconduct of 32 faculty members of Melamaruvathur Adhiparasakthi Institute of Medical Sciences & Research who had falsely signed the Declaration Form and had appeared before the MCI Inspection team as full-time Faculty Member of the Medical College on the day of MCI inspection.

The self-contained note of the CBI disclosed that as per MCI requirements, there should be a total of 262 faculty members in the Medical College, whereas the investigation of the CBI revealed that the Medical College had recruited over the period 2009-10 several faculty members who were not permanent, including 32 faculty members some of whom worked only for one day or a few days in the college, only for the purpose of presenting themselves before the compliance inspection team of MCI on 29.3.2010 posing as regular faculty members. They were actually faculty members who were not employed in the college on a regular basis, as declared by them in the Declaration Form, whereas they were in fact working at other hospitals which they were not supposed to, being the faculty members of the Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research, as required by the Regulations of the MCI.

The Declaration Forms of all these 32 faculty members who were not employed in the Medical College contained false and misleading information in the form of an undertaking to the effect that these faculty members were full-time teachers of Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research, that they were not working at any other Medical College/Institution nor attended any inspection of the MCI from 1st August, 2009 onwards till the date of signing the Declaration Forms. They also gave declaration that they were not practicing anywhere or carrying out any other activity, etc. The Members of the Executive Committee

observed that the Declaration Forms submitted by the Faculty Members of the Medical College were verified by the Head of the Department and endorsed by the Dean/Director/Principal of the Medical College.

The self-contained note further emphasized that the 32 faculty members who had attended MCI inspection on 29th March, 2010, were not required to sign any Attendance Register or to attend the college regularly by the college authorities. They were paid salary in cash either lump-sum or on case to case basis and not as per the UGC Rules for which their acknowledgement of payment of salary by cash was taken in vouchers even after the date of compliance inspection on 29.1.2010 and in some cases even after the registration of the instant case by CBI. They were not shown as faculty members in the lists provided to the Income Tax Returns, nor do their names appear in the lists provided to the Memaruvathur Panchayat for payment of Professional Tax and in the banks, viz., Central Bank of India and State Bank of India, Melmaruvathur, through which regular faculty members were paid their salary.

The self-contained note further disclosed that by doing so the 32 doctors have violated the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002, which calls for punishment and disciplinary action as laid in Chapter-8 thereto. They had contributed to the strength of faculty members of the Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research only for the MCI inspection conducted on 29.3.2010 and made the Medical Council of India to believe that the strength of faculty members of the college was sufficient as per the Medical Council of India Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations – 1999 and its subsequent modification vide Circular dated 4.5.2009 of the MCI and on the basis of the report made by them to the MCI, the College was granted permission for admission of 3rd batch of students for MBBS Degree course for the academic sessions 2010-11.

The members of the Executive Committee observed that on 29.06.2010, the CBI had registered a case against the members of the management of the Medical College along with some other officials of MCI and some persons for offence of fraud, forgery & cheating in securing grant of permission from the Central Govt. for the academic year 2010-11. The CBI on 2.7.2010 had seized the document from the premises of the medical college for further investigation. During the CBI investigation it was initially found that the medical college had arranged 116 faculty members for the purpose of MCI inspection for considering their case for renewal of permission for the academic year 2010-11.

The Executive Committee observed that the then Board of Governors considered the CBI letter dated 27.02.2012 and decided to refer the same to Ethics committee of the Medical Council of India. The Ethics Committee of the MCI considered the CBI letter alongwith other documents in its meeting held 19.06.2012, wherein it was decided to issue show cause notices to all the said 32 doctors/faculty members of the medical college along with Dean and Chairman of the medical college. It was also decided by the Ethics Committee to seek more documents from the CBI for

furtherance in the matter. Accordingly, on 13.07.2012 the show cause notices were issued to all the 32 doctors/faculty members whose names were mentioned in the CBI letter dated 27.02.2012 and they were requested to appear before the Ethics Committee of the Council in its meeting dated 21.08.2012.

The Executive Committee observed that the then Board of Governors on 26.07.2012 considered the case of the medical college and decided to issue a Show Cause Notice to Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research as to why permission for running the MBBS Course to the Institute should be not withdrawn/revoked/cancelled or why such other action as permissible in law be not taken for acts and omission permitted by the Institution mentioned in the CBI's self-contained note referred to above. Accordingly, the Show Cause Notice was issued to Dean/Principal/the Managing Trustee of Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research vide MCI letter dated 7.08.12.

In reply to the MCI Show Cause notice dated 07.08.2012 the Dean of Medical College submitted their reply vide letter dated 13.8.2012 inter alia denying all the allegations and had submitted that the faculty members under reference were employed on regular basis in the medical college and were not working in any other Medical College/institutions. The Declaration Forms were signed by the respective faculty members does not contain any false and any misleading information as alleged by the CBI. In their reply, the medical college also stated that though the charge sheet has been filed by the CBI, the charges are yet to be framed by the Additional Chief Metropolitan Magistrate court, Egmore, Chennai and at present the matter is sub-judice.

On 21.08.2012 the Ethics Committee of the Council deliberated on the case of all 32 doctors who were employed by the medical college and had submitted false and fabricated declaration forms and decided to take serious action on the ground of serious professional misconduct committed by the faculty members of the medical college.

The then Board of Governors while considering the reply submitted by the Medical College to the show cause notice dated 7.8.2012 decided that for proper assessment of the matter certain more information is needed for taking appropriate action against the medical college. Accordingly, the MCI letter dated 8.10.2012, requested the medical college to provide following information:-

(a) Information about Teachers, Professor, Associate Professor, Assistant Professor, Sr. Residents and Residents for the durations (in different Department) on affidavit :

01.04.2008	-	31.03.2009
01.04.2009	-	31.03.2010
01.04.2010	-	31.03.2011
01.04.2011	-	31.03.2012

(b) *Format for submission of information :*

For each Department : S.No.; Name; Designation; Date of Joining; PAN No.; Salary Paid (Amount in Rs.); Mode of payment (Cash, Cheque, electronic transfer); Cheque No (with name of Bank) in case of payment of salary by cheque; and IT deducted.

(c) *Bank Statement for duration mentioned in para (a) above.*

(d) *No. of OPD patients (Depart-wise), I.P. Deptt-wise, No.of Surgeries performed (Major & Minor – Deptt-wise), No.of deliveries conducted.*

(e) *Letter from College authorizing the MCI to conduct inquiry from the institution bank(s) if needed.*

The members of the Board of Governor observed that in reply to the MCI letter dated 8.10.2012 the medical college by their letter dated 22.10.2012, submitted the following information:

- 1) In respect of information/documents with regard to Teachers, Professors, Associate Professors, Assistant Professors, Senior Residents and Junior Residents for the duration (in different departments) from 0.1.4.2008 to 31.3.2009 and from 1.4.2009 to 31.3.2010, all the documents were confiscated by CBI and the Income Tax-Department during the raids conducted by them simultaneously on 2.7.2010. Hence we are unable to produce information/documents in respect of the above period asked for now.
- 2) In respect of information/documents, sought for in clause b, c & d for the period from 4.7.2010 to 31.3.2011 and from 1.4.2011 to 31.3.2012, it is informed that the above details have already been submitted in C.D. format during the inspections conducted by the MCI inspectors for 3rd renewal and 4th renewal on 21/23.3.2011, 3&4..2.2012, respectively. However, any further information details/clarification required in this regard, we will be pleased to submit the same on hearing from you.
- 3) In respect of letter authorizing to conduct inquiry in the Institution bank, we came to know from the bank authorities that such letter of authorization for inquiry is not contemplated under the Banking Regulation act.

The above reply of the medical college reveals that the medical college did not submit any comprehensive reply covering all the points raised in the Show Cause Notice.

In the meanwhile, the students who were admitted in the academic year 2009-10 had completed their MBBS course and were eligible to appear in the MBBS part II examination. The medical college also submitted their application for the inspection for recognition of the MBBS degree in respect to the student of their college. Accordingly, on 16/17.02.2013 the inspection for the recognition of MBBS degree with respect to the student of the medical college was carried out by the MCI assessors. The assessment report dated 16/17.02.2013 were considered by UG Committee of the Council in its meeting held 28.02.2013 and 1.03.2013 herein after considering the Assessment report noted the following deficiencies:

1. "Shortage of Residents is 8.45%.
2. As per Assessor's report there are 700 beds out of which 350 are teaching and 350 are paying beds. Therefore, the deficiency is of 350 beds.
3. On checking assessment reports of 2012-13 & 2013-2014 differences were observed regarding Experience of Dean as well as teaching/ paying beds, which are as under:

1) Dr. J. MohanaSoundaran, Dean

Year	Teaching Experience	Administrative Experience
2012	25	7
2013	33	18

2) Number of beds

Year	Total Beds	Teaching Beds	Paying Beds
2012	765	700	Nil
2013	700	350	350

4. From-A mentions bed occupancy 85% calculated on teaching beds. However, as per Assessor's report it is 76% and it is not clear whether bed occupancy is calculated on teaching beds or on total beds (teaching+paying).
5. Nursing staff is inadequate. Less by 2.
6. RHTC : Assessor's report is incomplete. No information provided regarding population covered by RHTC, Students & Interns posted in batches, Residential & messing facilities, cold chain, posting of interns etc.
7. There is no mention of transport facility for RHTC & UHTC.

In view of above deficiencies, the Board of Governors decided to seek explanation from the college authorities regarding the discrepancies observed in the assessment reports within 15 days."

The assessment report dated 16/17.02.2013 alongwith the observations of UG Committee of the Council was considered by the BOG wherein it was decided to seek clarifications/explanations from the medical college. Accordingly, the deficiencies were communicated to the medical college by MCI letter dated 5.4.2013 and the college was requested to submit their compliance within a period of 15 days.

The medical college by their letter dated 14.3.2013 submitted their compliance to the deficiencies pointed out by the MCI claiming to have rectify all the deficiencies. The then Board of Governors of MCI in its meeting held on 4.6.2013 considered the case of the medical college and decided to defer its decision regarding renewal of permission/recognition in view of pending

decisions of Ethics Committee of the Council which was considering the professional misconduct cases of the doctors/faculty members of the medical college.

In the meanwhile, the students of the medical college who had appeared in the final year examinations had approached the Hon'ble High Court of Madras by way of Writ Petition No. 15751/2013 and Writ Petition No. 16497/2013 inter alia praying for the directions for recognition of their internship as well as their degrees.

The Ethics Committee of the Council conducted the detailed investigation and after hearing the faculty members of the medical college and after going through the statement made by the faculty members before the CBI investigation team came to the conclusion that the doctors/faculty members of the medical college had given false and fabricated declaration forms and had represented themselves as being regular faculty members of the medical college before the MCI inspection team on 29.3.2010 and decided to recommend the then Board of Governor to remove the names of the faculty members of the medical college from Indian Medical Register as well as the State Medical Register in view of gross professional misconduct for a period of 3 to 5 year.

The Executive Committee of the Council observed that the recommendations of the Ethics Committee was considered by the then Board of Governor of the Council and after discussions & deliberations decided to upheld the same on the ground of gross professional misconduct of the 32 doctor/faculty members of the medical college. On receipt of compliance, the matter with regard to recognition/ approval of Melmaruvathur Adhiparasakthi Institute of Medical Sciences and Research, Melmaruvathur, Tamil Nadu u/s 11(2) of the IMC Act, 1956 was considered by the Board of Governors at its meeting held on 25th& 26th June, 2013. The Board of Governors decided as under:

“It was noted that the issue of show cause notice emanated from the CBI enquiry was considered in the past by the BOGs and, on the basis of recommendations of the Ethics Committee, penalties were also imposed on the fake faculties who had presented themselves before the MCI Inspection Team, as per CBI Report. Regarding the second part of action against the College for deploying fake faculties, this matter was also considered in the past, by the BOG's sub-Committee headed by Dr. K. Mohandas, which recommended action to be taken against the College under Section 8(3)(1)(d) of the IMC Act, 1956, i.e., debarring the College from admission of Students during this Academic Year and next Academic Year. After some discussion it was decided to debar the College, accordingly.”

The inspection report dated 16/17.2.2013 along with the compliance reports dated 13.4.2013 and the decision of the Ethics Committee dated 21.08.2012 was considered by the Board of Governors of the Council in its meeting held 25/26.6.2013 wherein after considering

the investigation report of the CBI as well as the Ethics Committee of the Council and the fact that the medical college had played fraud with the Council by submitting fake & fabricated declaration forms, the case of the medical college falls under regulation 8(3)(1)(d) of the Establishment of New Medical College Regulation, 1999 and decided to debar the medical college for making admissions for two academic years i.e. 2013-14 & 2014-15.

The Medical College without waiting for final decision of the MCI filed a writ petition bearing W.P. No. 17735/2013 before the Hon'ble High Court of Madras challenging the decision of Board of Governors dated 25/26.06.2013. The Medical Council vide its letter dated 14.7.2013 communicated its decision of barring the medical college under regulation 8(3)(1)(d) of the Establishment of New Medical College Regulation, 1999 for two academic years i.e. 2013-14 & 2014-15.

The writ petition filed by the students and the medical college came up for hearing before the learned Single Judge of the Hon'ble Madras High Court on 29.07.2013 wherein the Hon'ble High Court vide its order dated 29.7.2013 disposed of writ petition of the students as well as the medical college with the directions to the MCI to take fresh decision in the case of the Medical college of debarment of medical college for two academic year i.e. 2013-14 & 2014-15. The learned Single Judge while disposing of the writ petition filed by the students as well as the medical college also made certain observations regarding applicability of 8(3)(1)(d) of the Establishment of New Medical College Regulation, 1999. The operative part of the Order dated 29.07.2012 passed by the Hon'ble Madras High Court is reproduced below:

“... since Medical Council of India made it clear that there would be no difficulty for the petitioners in W.P. No. 16497/2013 to obtain permanent registration certificate, on account of their completion of course during the currency of approval, and compulsory rotator residential internship, a writ in the nature of a writ of Mandamus is issued, directing respondents 1 and 2 to consider and dispose of the case of students forthwith for recognizing the internship training undergone by them and issuance of permanent registration certificates.

Disposition:

The order dated 25 June 2013 debarring the college from admission of students during the academic year 2013-14 and 2014-15, is quashed and the matter is remitted to the second respondent for fresh consideration. The Medical Council of India is directed to conduct Surprise Compliance Verification Inspection with reference to the compliance report submitted by the petitioner and consider and dispose of the matter afresh in the light of the report submitted by the Assessors, the recommendation made by the Ethics Committee headed by Dr. Mohan Das and taking into account the earlier order of this Court referred to above. The petitioner should be given a reasonable opportunity to submit its response. Since the issue of show cause notice and commencement of proceedings by the Ethics

Committee emanated from the CBI enquiry, and considering the proceedings now initiated by the Agency before the High Court, challenging the order passed by the Chief Judicial Magistrate, discharging the petitioner from criminal case, notice should be issued to the Central Bureau of Investigation also so as to enable the agency to offer its comments and inform the Medical Council of about the status of criminal proceedings. Such exercise shall be completed within a period of fifteen days from the date of receipt of a copy of this order.

The writ petitions are allowed as indicated above. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.”

The MCI aggrieved by the order dated 29.07.2013 passed by the Ld. Single Judge of the Hon'ble Madras High Court filed an appeal bearing W.A. No. 1730 before the Hon'ble High Court of Madras. The said writ appeal filed by the MCI came up for hearing before the Ld. Division bench of the Hon'ble High Court on 29.08.2013 wherein the Hon'ble High Court after hearing the parties was pleased to uphold the decision of the Ld. Single Judge and remitted the matter back to MCI for reconsideration.

The MCI aggrieved by the decision of the Hon'ble High Court of Madras preferred SLP No. 29790 of 2013. The SLP filed by the MCI came up for hearing before the Hon'ble Supreme Court on 27.09.2013 wherein the Hon'ble Supreme Court after hearing the parties was pleased to issue notice in the SLP and granted stay of the operation of the orders passed by the Hon'ble Madras High Court dated 29.08.2013.

In the meanwhile, to safeguard the interest of the student who were continuing their MBSS courses and who had completed their MBBS courses, a compliance verification inspection for the purpose of recognition/approval for the award of MBBS degree granted by Tamil Nadu Dr. MGR Medical University, Chennai u/s. 11 (2) of the IMC Act, 1956 was carried out by the MCI Assessors on 25/26 October 2013.

The SLP filed by the Council was heard on various dates in the year 2014, wherein the Inspection Report dated 25-26 October 2013 was also placed before the Hon'ble Apex Court.

The matter with regard to recognition/approval of Melmaruvathur Adhiprasakthi Institute of Medical Sciences & Research, Melvaruvathur for the award of MBBS degree granted by the Tamil Nadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956 alongwith compliance verification assessment report (25th& 26th Oct., 2013) was considered by the Executive Committee at its meeting held on 18/02/2014 and it was decided as under:-

“The Executive Committee of the Council considered the Council Inspectors report (25/26th October, 2013) and noted the following:-

1. *Shortage of Senior Residents is 23.72 % (14 / 59) as under:
General Medicine: 6; (ii) Tb & Chest: 2; (iii) Skin & VD: 1; (iv) General Surgery: 5.*
2. *Other deficiencies as pointed out in the inspection report.*

The Executive Committee decided to recommend to the Central Govt. not to grant recognition/approval to Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai against 150 seats u/s 11(2) of IMC Act, 1956 and further decided that the institute be asked to submit the compliance for rectification of the above deficiencies within 3 months.”

The above decision was communicated to the Central Govt. vide this office letter dated 26/02/2014 with copy to the college authorities with the request to submit the compliance for rectification of deficiencies pointed out in the assessment report within 3 months from the date of dispatch of the letter alongwith a demand draft of Rs. 3.00 lakhs.

In response to above, the Council Office has received the letter dated 31/03/2014 from the Central Government, Ministry of Health & F.W, Nirman Bhawan New Delhi forwarding therewith a copy of letter/representation dated 07/03/2014 received from the Dean, Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur furnishing the compliance report for rectification of the deficiencies as pointed out by the Council assessor in his report. The Details of the compliance is as under:-

Sr. No.	Deficiency pointed out in the inspection report	Clarifications submitted by the college authorities
1	<i>Shortage of Senior Residents is 23.72 % (14 / 59) as under: General Medicine: 6; (ii) Tb & Chest: 2; (iii) Skin & VD: 1; (iv) General Surgery: 5.</i>	<p>As per Council's phase wise requirements of 150 admissions the deficiency of residents SR & JR are to be counted together (Annexure-I)</p> <p>As per Council's Notification published on 16.04.2010. From IIIrd renewal till recognition 20% deficiency is allowed.(Annexure-II)</p> <p>As per the Assessor report on 25.10.2013 (submitted to Honourable Supreme Court by the Law officer of MCI) the shortage of Residents on total strength as 9.1% which is within the permissible limit.</p> <p>However, we have appointed the following residents:</p>

		<p><u>General Medicine:</u></p> <p><u>Dr. Raghu Ramulu, MD. Has been appointed</u></p> <p>as senior Resident on 03.02.2014 (Copy of Appointment order, joining report & relevant certificates are enclosed).</p> <p>Dr. Madhy Sudhana Devarakonda, M.D. has been appointed as Senior Resident on 07.02.2014 (Copy of Appointment order, Joining Report & relevant certificates are enclosed)</p> <p>Dr. V.S. Ramesh, M.D. has been appointed as Senior Resident on 11.02.2014(copy of Appointment order, joining report & relevant certificates are enclosed).</p> <p><u>TB& Chest:</u></p> <p>Dr. K. Praveen, M.B.B.S., DTCD, and Dr. Bonala Murali Mohan, M.B.B.S., D.T.C.D. those are already working in the same department from 03.01.2011 & 19.11.2012 respectively.</p> <p><u>Skin & V.D.</u></p> <p>Dr. Sajja Prakash, MD(DVL) has been appointed as Senior Resident on 03.02.2014 (Copy of Appointment order, Joining report & relevant certificates are enclosed)</p>
	<p><i>Other deficiencies pointed out in the inspection report.</i></p>	<p><u>General Surgery:</u></p> <p>Dr. China Koteswara Rao Peta, M.S., has been appointed as Senior Resident on 12.02.2014. (Copy of Appointment order, Joining report & relevant certificates are enclosed).</p> <p>Dr. Kayala Ramanaiah, M.S., has been appointed as Senior Resident on 12.02.2014 (Copy of Appointment order, Joining report & relevant certificates are enclosed).</p> <p>Dr. Aluri Prabhakara Rao, M.S., has been appointed as Senior Resident on 13.02.2014 (Copy of Appointment order, Joining report & relevant certificates are enclosed). (Annexure-IV)</p> <p>Other deficiencies:</p> <p>The assessor reports (25.10.2013) revealed the followings points for your reference and records. Report No. 2: The Authorities have given undertaking that all 700 are teaching & non-paying.</p>

		<p>Report No.3: Necessary documents supporting his teaching & administrative experience has been obtained and his teaching & administrative experience may be at your level.</p> <p>Report No.4: Indoor patients were verified on both the days of inspection and the occupancy of the indoor patients was satisfactory and was on non – paying teaching beds certified by college authorities and was more than 76%.</p> <p>Report No.5: 2 More nurses have been appointed & taken on strength.</p> <p>Report No.6: The committee members visited the RHTC & UHTC and verified the posting of students & Interns, Residential, Mess facilities & cold chain facility is available and well maintained.</p> <p>The committee members visited the RHTC & UHTC and verified the availability of transport facilities. The vehicles are designated for both the centers and necessary documents were obtained. (Annexure-V)</p>
--	--	--

In pursuance of the Hon'ble Supreme Court Order dated 11.04.2014, it was decided to convene a special meeting of the Executive Committee on Saturday, 26 April 2014 at 12:00 hrs to grant hearing to the representatives of the Melmaruvathur Adhiparasakthi Institute of Medical Sciences, Kancheepuram, Tamil Nadu.

The Members of the Executive Committee after hearing the representatives of the Medical College and after considering the above facts are of the view that the following two issues merit consideration:

- I. Recognition of MBBS degrees of the students who had undergone MBBS course from *Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathuru/s 11(2) of IMC Act, 1956;*
- II. Debarring *Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur* under Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999 for the remaining one-year, i.e. 2014-15

The Members of the Executive Committee of the Council considered that the students were admitted in the Medical College after the grant of permission by the Central Government on the recommendation of the Council. It was also considered that the annual renewals of permission were granted to the Medical College on achieving the annual targets. It was observed by the members of the Executive Committee of the Council that the students who were admitted from 2008-09 to 2012-13 on valid permission given by the Central Govt. on the recommendation of the MCI cannot be made to suffer at this hour for the misdeeds of the management of Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research. The members of the Executive Committee observed that in the similar facts and circumstances in the case of Shri Satya Sai Medical College, the then Board of Governors in super-session of the Council to

safeguard the interest of the students who were not at all at fault had decided and recommended to the Central Government to grant recognition to the Medical College. The Central Government accepted the recommendation of the MCI and issued Notification dated 27/11/2013 with respect to the students who had been admitted on the strength of valid letter of permission of Central Government / Board of Governors.

In the present case the Medical College has given its compliance with respect to deficiencies pointed out in the Inspection Report dated 25-26 October 2013. In view of the above, the Executive Committee of the Council after considering the compliance received from the Medical College decided to conduct compliance verification assessment of the Medical College and the report will be placed for the consideration of the Council for recommending to the Central Govt. to recognize the degree of students who have been admitted in the college on the basis of valid Letter of Permission granted by the Central Govt. /Board of Governors.

Regarding the second issue of debarring *Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur* under Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999 for the remaining one-year i.e. 2014-15, the Members of the Executive Committee after hearing the representatives of the Medical College and after perusing their representation dated 14.04.2014 of the Medical College noted that the Medical College has mainly made the following contentions:

- (i) The Medical College contends that the Regulation is always prospective in nature. It is the contention of the College that the inspection of the Medical College was done on 16-17 February 2010 and Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999 came into force with effect from 16.04.2010, therefore the same cannot be applicable in their case.
 - (ii) The Regulation mandates that the Institution can be barred for “that academic year and next academic year” which in their case would mean 2010-11 and 2011-12 and not thereafter. The MCI after the academic year 2010-11 had granted them renewal of permission for the academic year 2011-12 and 2012-13.
 - (iii) That the Order of barring the college for two academic years is disproportionate and discriminatory and the College has not submitted any fake and forged documents.
 - (iv) That in the case of PES (PSI Institute of Medical Sciences, Chinnautapalli where it was found that the College has used forged and fake documents the Board of Governors in Supersession of Council had only reprimanded. No action or order for debarring admission was made under Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999.
 - (v) That the Ld. Chief Metropolitan Magistrate, Egmore vide its Order dated 17.04.2013 had passed a Order of discharge.
- (i) The Members of the Executive Committee after considering the above facts and the relevant material answers the above contentions of the Medical College as under:

(i) *The relevant portion of Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999 reads as under:-*

“Colleges which are found to have employed teachers with faked/forged documents:

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

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Government.”

The plain reading of the above Regulation provides that the above Regulation will be applicable from the date/time when it is found that the Medical College has employed a teacher with fake/forged documents and have submitted declaration form of such teachers. The contention of the Medical College that the Regulation 8 (3) (1) (d) came into force on 16.04.2010 and the inspection was carried out on 16-17 February 2010 therefore the same cannot be invoked is not sustainable as the Regulation will be applicable from the date when it is found that the College had employed teachers with fake/forged documents. A Regulation cannot be read in isolation and the same has to be applied positively for the purpose of curbing the malpractices.

- (ii) As stated above, the Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999 will be applicable from the day it is found that the Medical College had employed teachers with fake and forged documents and have submitted declaration form of such teachers. In the case of the Medical College, the MCI came to know about the malpractice of the Medical College only after receiving the self-contained note of CBI dated 27.02.2012 and the Council after following the due process of law by issuing show-cause notice decided to initiate action under Regulation 8 (3) (1) (d) of the Establishment of Medical College Regulations, 1999 and vide Order dated 14.07.2013 debarring the College for the academic year 2013-14 and 2014-15. Therefore, the contention of the Medical College that the barring Order cannot be passed in their case after academic year 2011-12 is meritless and rejected. It is further stated that the permission granted to a Medical College in ignorance to their misconduct and misdeeds cannot be made ground to run-away from their misdeeds.
- (iii) The Member of the Executive Committee after going through the entire communication between the MCI and the Medical College came to the following conclusion:
- (i) The college had indeed appointed all the 32 faculty members on a regular basis, during the period from 2009 to 2010 but some of them were to be relieved due to

personal reasons and they have submitted copies of the Appointment Orders issued to the 32 faculty members and their Joining Reports. Interestingly, a close scrutiny of the same reveals the following:-

- (a) Of these, 31 faculty members appear to have joined the College on the same date on which the Appointment Order was stated to have been issued. This is an unusual practice in the history of any institution of APIMS status, particularly when the college is claimed to be located in a rural area.
- (b) In one case, i.e. of Dr. Manoj Kumar Gupta, MD, his Appointment Order as Senior Resident is dated 1.12.2009 but he is stated to have joined on 4.1.2010. Surprisingly, in his Joining Report, it is seen that he had referred to his Appointment Order dated 4.1.2010.
- (ii) In all these cases, the format used for issuance of Appointment Order and Joining Report is not only the same but in majority of these cases the hand writing style used also appears to be the same. All these appear to have been done in one go otherwise mistake of the type as pointed out at (iii) above could not have taken place.
- (iii) In all the Appointment Order there was no mention of any specific remuneration to the Faculty members instead it simply mentions that the same will be paid as per UGC norms. It is very difficult to comprehend a situation where any candidate, without being in the full knowledge of what he is going to get as his monthly emoluments, in clear cut terms, joins a post and that too in a medical college situated in a rural area. In this case, despite this crucial communication gap, he joins the post the same day of issue of the Appointment Order. So, is the case with all the 31 faculty members.
- (iv) The names of the 32 faculty members were not shown in the Income Tax Returns provided by the College, nor does their name appear in the lists provided to the Memaruvathur Panchayat for payment of Professional Tax and in the banks, viz., Central Bank of India and State Bank of India, Melmaruvathur, through which the regular faculty members were paid their salary.
- (v) The Declaration Form submitted by the Medical College during the MCI inspection held on 16-17 February 2010 was signed by the Faculty Members that was duly verified and endorsed by the Head of Department and Counter signed by Dean/Principal/Director of the Medical College.

From the above conclusion, it becomes crystal clear that the Medical College had submitted fake and forged documents for the purpose of securing renewal of permission

for the academic year 2010-11. Therefore, the MCI decision 14.07.2013 is neither disproportionate nor discriminatory.

- (iv) The CBI has filed an appeal against the Order dated 17.04.2013 passed by the Ld. Chief Metropolitan Magistrate, Egmore which is still pending adjudication. However, the discharge of the functionaries of the College by the Learned Magistrate cannot save the Medical College from their acts of misdeeds and the MCI under the IMC Act, 1956 is empowered to take action for the violation of the IMC Act and Regulations made thereunder.

In view of the above, the Executive Committee of the Council after detailed consideration and deliberation decide to reiterate its earlier decision of debaring the Melmaruvathur Adhiparasakthi Institute of Medical Sciences & Research for two academic years 2013-14 and 2014-15. The committee further decided to verify the compliance submitted by the college by physical assessment.

The above minutes were read out and confirmed in the meeting itself.

2. Communications dated 22.04.2014 and 23.04.2014 received from the Chief Vigilance Officer, Medical Council of India – Consideration thereof.

Read : the Communications dated 22.04.2014 and 23.04.2014 received from the Chief Vigilance Officer, Medical Council of India.

The minutes of this item were read out and confirmed in the meeting itself and are kept in a separate file. Being confidential the files are with the President.

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

(A.K. Harit)
Deputy Secretary (Admn.)

New Delhi,
dated the 26th April, 2014

APPROVED

(DR. JAYSHREEBEN MEHTA)
President