

Regulations of the MCI and as per the time Schedule; and in that event, it will be considered appropriately. In the facts and circumstances of the case, there shall be no order as to costs.

5. The above factual matrix clearly brings out that at the time of making application there was no MOU in existence between the Government of Andhra Pradesh and Apollo Hospitals Educational and Research Foundation for establishment of new Medical College for establishment of new Medical College at Chittoor. The judgment of the Hon'ble Supreme Court are loud and clear to the effect that an applicant is required at the time of making application to fulfil the qualifying criteria. As per MCI Regulations Hospital is a necessary requirement at the time of making application and an application that does not meet the necessary requirement of Hospital is to be rejected. Therefore, it would be appropriate in my considered view to recommend to the Central Government to disapprove the application of M/s Apollo Hospitals Educational and Research Foundation for establishment of new Medical College at Chittoor amongst other grounds on the ground that it has failed to meet the qualifying criteria regarding owning and managing Hospital at the time of making application. Further, the MOU on which the applicant has placed reliance is also not in accordance with the norms laid down in Regulations."

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision taken at its meeting held on 30.01.2016 recommending to the Central Government for disapproval of the scheme and to return the application for establishment of a new medical college at Chittoor, Andhra Pradesh by Apollo Hospitals Educational & Research Foundation, Telangana under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

110. Recognition/Approval of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna for the award of MBBS degree (100 seats) by Indira Gandhi Institute of Medical Sciences, Patna u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/Approval of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna for the award of MBBS degree (100 seats) by Indira Gandhi Institute of Medical Sciences, Patna u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (25th April, 2016) alongwith previous assessment report(2nd & 3rd March, 2016) and decided to recommend to the Central Government for recognition/approval of Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna for the award of MBBS degree (100 seats) by Indira Gandhi Institute of Medical Sciences, Patna u/s 11(2) of the IMC Act, 1956.

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

8 (3) ò

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

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

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

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

In view of above, the Executive Committee of the Council further decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 MBBS students at Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna for the academic year 2016-2017.

111. S.C.B. Medical College, Cuttack - Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2016-17.

Read: the matter with regard to S.C.B. Medical College, Cuttack - Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 150-250 for the academic session 2016-17.

The Executive Committee of the Council considered the compliance verification assessment report (21.04.2016), previous assessment report (8th & 9th October, 2015) along with an undertaking of the Principal Secretary, Health & FW Department, Government of Odisha dated 28.04.2016 and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 150 to 250 u/s 10A of the IMC Act, 1956 in respect of S.C.B. Medical College, Cuttack under Utkal University, Bhubaneswar for the academic year 2016-17.

112. Govt. Medical College, Akola – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2016-17.

Read: the matter with regard to Govt. Medical College, Akola . Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2016-17.

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

113. Establishment of new medical college at Gondia, Maharashtra by Govt. of Maharashtra with an annual intake of 100 MBBS students under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

Read: the matter with regard to establishment of new medical college at Gondia, Maharashtra by Govt. of Maharashtra with an annual intake of 100 MBBS students under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

The Executive Committee of the Council noted the Order dated 18/02/2106 passed by the Hon'ble High Court of Bombay, Bench at Nagpur in PIL No. 65/2915, which reads as under:-

“Heard.

When the matter was listed on 4.2.2016 before this Court, a statement was made on behalf of the Medical Council of India that in view of pendency of present petition, Medical Council of India had only inspected the facilities at the hospital and had sent its assessment report to the Government of India. It was submitted that neither positive nor negative recommendation was sent to the Central Government as this Court was seized of the matter.

Vide the said order, we had made it clear that pendency of the petition would not come in the way of Medical Council of India in giving either positive or negative recommendations. However, since the Medical Council of India had inspected the facilities available at Government Medical College, Gondia, we had directed it to place on record a copy of inspection report.

When the matter was listed on 11.2.2016, a copy of inspection report was available with the learned counsel for respondent no.3—Medical Council of India. We had requested him to supply the copies of said inspection report to the learned counsel for the petitioner as well as to the learned Government Pleader. We had also directed the learned Government Pleader to take instructions with regard to the deficiencies pointed out in the said report and the period within which the said deficiencies would be rectified.

Accordingly, an affidavit has been filed by Shri Ajay Narmadaprasad Keoliya, Dean, Government Medical College, Gondia pointing out therein that various deficiencies noticed by the Medical Council of India and the compliance of the deficiencies. A perusal of the affidavit would reveal that the major deficiencies pointed out is that the campus is not unitary. It is stated that it is in four places which is not permissible as per regulation. In response to the said deficiencies, it is pointed out in the reply that two hospitals i.e. Bai Gangabai Womens Hospital and Kunwar Tilksingh Hospitals are situated just across other side of the road. It is stated that for construction of the new Medical College and Hospital, 25 acres of land is already acquired and the process of constructing unitary complex for a Medical College and a Hospital, Hostel and Residential has also commenced. It is further stated that, however, the said process is time consuming and it will not be possible to complete the same within a short period.

It is commonly experienced that whenever new Medical Colleges are established, initially they are attached to either Government Hospitals or other private Hospitals situated in the vicinity. A reference in this respect could be made to the Government Medical Colleges at Akola and Yavatmal, so also the Panjabrao Deshmukh Medical College at Amravati. Initially, when these colleges were established, they were utilizing the facilities already existing in Government Medical Colleges. It is only after certain breathing period, the full-fledged campus including Hospitals, have been constructed. We do hope and expects that this factor will weigh with the Medical Council of India and the Union of India. If the other requirements regarding the requisite number of beds etc. are complied with, merely because the campus is not unitary, should not be a ground for negating the proposal for granting approval to Government Medical Colleges at Gondia.

Insofar as other 19 deficiencies which are noticed in the inspection report, it could be seen that many of the deficiencies are already complied with. Insofar as the deficiencies, which are not complied with, it has been stated that the said deficiencies will be rectified, in any case, by 31st March, 2016. We, therefore, direct the State Government to

ensure that the deficiencies, which are at point nos.2 to 14 and 17 to 20, should be rectified on or before 31st March, 2016.

We further direct the Medical Council of India to again inspect the facilities established at Government Medical College at Gondia and find out, as to whether, the deficiencies at point nos.2 to 14 and 17 to 20 are rectified or not. As already observed in our earlier orders referred to hereinabove, upon inspection of the facilities, the Medical Council of India would be at liberty to give either positive or negative recommendations, as desired, by it.

We are aware about our limitations. We are also aware that we cannot monitor the functioning of the Medical Council of India. However, the past experience of the Medical Council of India, in their dealings with the Government Medical Colleges, compels us to issue certain directions, so that, if for no justifiable reason, the negative recommendations are given by the Medical Council of India, we can pass appropriate orders as deemed fit and proper. In these circumstances, we are inclined to issue these directions.

We are also giving the time frame so that the outer time limit, as determined by the Hon'ble Supreme Court, are complied with. The Medical Council of India shall also submit a copy of their inspection report to this Court on or prior to 22.4.2016. Stand over to 28.4.2014.

By the next date, we also direct the State Government to file an affidavit therein specifying the period within which time the actual construction would start and would be completed. We make it clear that, as has been observed by our earlier orders in the case of Government Medical College at Akola, Government Medical College at Yavatmal, Government Medical College at Chandrapur, Government Medical College and Hospital at Nagpur and Indira Gandhi Medical College at Nagpur, the financial constraints would not be heard as an excuse on behalf of the State Government to complete the construction within the stipulated period."

The Committee further recalled that in the Special Leave Petition SLP (C)No. 7982/2016 filed by the Council before the Hon'ble Supreme Court against the above interim Order passed by the Hon'ble High Court, the Hon'ble Supreme Court on 04.04.2016 when the Hon'ble Supreme Court was pleased to pass the following Order:-

"Heard.

We see no merit in this special leave petition which is hereby dismissed.

The question of law is, however, left open."

Thereafter, in pursuance of the Order of the Hon'ble High Court, compliance verification assessment was carried out on 18th April, 2016.

The Executive Committee considered the compliance verification assessment report (18th April, 2016) alongwith previous assessment report (3rd & 4th December, 2015) and noted the following:

1. Shortage of residents is 33.33 % as detailed in the report.
2. Lecture Theaters: Capacity of 2 Lecture Theaters available is less than 120 required as per Regulations. They are of Stair case type, with only 2 step platform & are flattish, not fully gallery type.

3. Central Library: Available books are 1,688 against requirement of 3,000. Available Journals are 16 against requirement of 20.
4. ResidentsqHostel is under construction.
5. NursesqQuarters are not available in the campus.
6. Residential Quarters are under construction.
7. In Preclinical departments, partition needs to be created between Demonstration rooms and practical laboratories.
8. StudentsqHostels: There are no hostels for students as such. ITI studentsqhostels which are 3-4 kms. away are proposed to be used as StudentsqHostels. In Boysqhostel, furniture is procured but yet to be placed. There is no independent GirlsqHostel. In ITI GirlsqHostel, provision is made to accommodate girls of Medical college in separate floors.
9. OPD: Teaching areas are small.
10. Workload of Contrast Radiology like Ba, IVP was NIL on day of assessment.
11. There are only 2 teaching areas in in the whole OPD against independent teaching area required for each departmental OPD and they are smaller than required.
12. Canteen is not available. Deficiency remains as it is.
13. Overall hygiene needs further improvement.
14. Campus is not unitary. The present proposed area of Govt. Medical College & Hospital Campus including under construction residences is only 8 Acres. KTS General Hospital & Medical College are in one piece of land. Womenq Hospital & Residential Quarters are across the road. Studentsqhostel is 3-4 kms. away from college. A plot of land admeasuring 25 Acres is earmarked for the medical college but it is barren piece of land & no construction has started yet.
15. Other deficiencies as pointed out in the assessment report.

In pursuance of the Order dated 18/02/2016 of the Honble High Court of Bombay , Nagpur Bench at Nagpur in PIL No. 65/2015, the Executive Committee of the Council decides that the issue of campus of the Govt. Medical College, Gondia not being a unitary campus as stated under entry 14 above is not material in this case for purpose of making recommendation to the Central Govt.

However, on the basis of deficiencies as stated above from 1 to 13 the Executive Committee of the Council decided to return the application for establishment of a new medical college at Gondia, Maharashtra by Government of Maharashtra under the Maharashtra University of Health Sciences, Nashik to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

114. Recognition/Approval of Rajiv Gandhi Institute of Medical Sciences, Ongole for the award of MBBS degree (100 seats) granted by Dr. N.T.R. University of Health Sciences, Vijayawada, Andhra Pradesh u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/Approval of Rajiv Gandhi Institute of Medical Sciences, Ongole for the award of MBBS degree (100 seats) granted by Dr. N.T.R. University of Health Sciences, Vijayawada, Andhra Pradesh u/s 11(2) of the IMC Act, 1956.

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

115. Recognition/approval of Sri Muthukumaran Medical College, Hospital & Research Institute, Chennai for the award of MBBS degree (150 seats) granted by The Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Sri Muthukumaran Medical College, Hospital & Research Institute, Chennai for the award of MBBS degree (150 seats) granted by The Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the letter dated 04.04.2016 and 11.04.2016 of the Dean of the college as well as the legal opinion of the Law Officer of the Council and decided to verify the compliance by way of assessment.

116. Establishment of new medical college at Nahan, Sirmour, Himachal Pradesh by Govt. of Himachal Pradesh with an annual intake of 100 MBBS students under Himachal Pradesh University u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

Read: the matter with regard to establishment of new medical college at Nahan, Sirmour, Himachal Pradesh by Govt. of Himachal Pradesh with an annual intake of 100 MBBS students under Himachal Pradesh University u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

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

117. Establishment of new medical college at Lucknow, Uttar Pradesh by G.C.R.G Memorial Trust, Lucknow, Uttar Pradesh with an annual intake of 150 MBBS students under Dr. Ram Manohar Lohiya Awadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

Read: the matter with regard to establishment of new medical college at Lucknow, Uttar Pradesh by G.C.R.G Memorial Trust, Lucknow, Uttar Pradesh with an annual intake of 150 MBBS students under Dr. Ram Manohar Lohiya Awadh University, Faizabad, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

The Executive Committee of the Council considered the letter dated 21.04.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the representation/compliance dated 13.04.2016 submitted by the Chairman, G.C.R.G Memorial Trust, Lucknow.

The Executive Committee also noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

“The college has contended that they were given only 30 minutes to assemble the faculty & residents. Declaration forms have been submitted.

The college pointed out that in the inspection conducted by MCI on 24.04.2015 many facilities were confirmed available by the assessors but the same have been noted as deficient in the last inspection. Their contention was that facilities once made available are not likely to disappear in one year. Infrastructure has only improved over time. The deficiency of faculty was 20% in the last inspection. The deficiency of residents is attributable to their not staying in the campus which is claimed now to be rectified. The deficiency of clinical material was acknowledged by the representative.

The deficiencies regarding faculty, residents and clinical material is of high order but the compliance submitted by the college may be reviewed by MCI.”

The Executive Committee of the Council further noted the following deficiencies:-

1. Deficiency of 15 teaching beds in the teaching hospital is as per the report of assessors in the present assessment which is a fact as the report has also been signed by the Principal without raising any objection at that time. Hence the previous history of the college having 300 beds in previous assessments is of no relevance for the present assessment. Even the college has acknowledged that the Principal has signed the assessment report in its compliance. Subsequent act of the Principal to own up his moral responsibility for signing the report and resigning from the post of Principal have no relevance.

In this view of the matter, as the institute did not have teaching beds required as per Establishment of Medical College Regulations, Qualifying Criteria as per Section 3(2)(5) of these Regulations are not fulfilled.

2. With regard to OPD attendance, contention of the institute that the OPD runs upto 4 p.m. is not acceptable as the OPD attendance has to be considered upto 2 p.m. This was communicated to all colleges by way of circular well in advance before the assessments commenced.
3. Bed occupancy was 36 % on day of assessment. Explanation of the institute that it was because of the coldest day in Lucknow is not convincing as the patients who are really sick would not like to be discharged due to cold weather. In fact only those patients who were not sick but admitted just to fill in the beds would like to be discharged in such circumstances.
4. With regard to deficiency of faculty & Residents, in most of the cases the college in its compliance has acknowledged that the concerned faculty / Resident could not sign before 11:00 a.m. The Council has issued a circular well in advance that only those faculty / Residents who sign the attendance sheet before 11:00 a.m. will be considered for subsequent verification. Hence the explanation is not tenable. Further this practice is in vogue for last many years.

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision to return the application recommending disapproval of the scheme as the qualifying criteria 3(2)(5) of Establishment of Medical college Regulations is not fulfilled.

118. Approval of minutes of the Departmental Promotion Committee for considering upgradation of Grade Pay of Personal Assistants.

Read: the recommendations of the Departmental Promotion Committee for considering upgradation of Grade Pay of Personal Assistants.

The Executive Committee of the Council approved the minutes of the Departmental Promotion Committee meeting held on 28.04.2016 recommending to place Smt. Saroj Bhasin and Shri Ravi Bhargava in the Grade Pay of Rs. 4800/-.

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

119. Approval of minutes of the Departmental Promotion Committee for promotion to the post of Section Officer

Read: the recommendations of the Departmental Promotion Committee for promotion to the post of Section Officer.

The Executive Committee of the Council approved the minutes of the Departmental Promotion Committee meeting held on 28.04.2016 recommending that Shri Bijender Singh be promoted to the post of Section Officer in accordance with the Recruitment Rules of the Council.

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

Dr. Reena Nayyar recused herself from the meeting

120. Approval of minutes of the Departmental Promotion Committee for considering promotion to the post of Additional Secretary

Read: the recommendations of the Departmental Promotion Committee for considering promotion to the post of Additional Secretary.

The Executive Committee of the Council approved the minutes of the Departmental Promotion Committee meeting held on 28.04.2016 recommending the name of Dr. (Mrs.) Reena Nayyar for promotion to the one vacant post of Additional Secretary in accordance with the Recruitment Rules of the Council.

The minutes of the above item were read and confirmed in the meeting itself

121. Migration of Sh. Harmanjot Singh from Adesh Instt. Of Medical Sciences & Research, Bhatinda to Govt. Medical College, Patiala.

Read: the matter with regard to Migration of Sh. Harmanjot Singh from Adesh Instt. Of Medical Sciences & Research, Bhatinda to Govt. Medical College, Patiala.

The Executive Committee of the Council deliberated upon the matter at length and noted that the CVO, MCI had submitted the factual report to the Central Vigilance Commission and requested for first stage advice in the matter. However, the CVC has sought specific recommendations of the CVO and Disciplinary Authority.

In view of above, the Executive Committee of the Council decided to refer the matter to the Consultant (Administration) to recommend disciplinary action, as per rules

Dr. Reena Nayyar re-joined the meeting

122. Ninety second report of the Department related Parliamentary Standing Committee on Health & F.W. on the "Functioning of Medical Council of India(MCI)".

Read: the Ninety second report of the Department related Parliamentary Standing Committee on Health & F.W. on the %Functioning of Medical Council of India(MCI).

The Executive Committee of the Council after due deliberations decided to constitute a Sub-Committee consisting of the following members:-

1. Dr. Ajay Kumar, Chairman, Administration & Grievance Committee
2. Dr. Ved Prakash Mishra, Chairman, Academic Committee
3. Dr. D.J. Borah, Chairman, Ethics Committee

The Sub-Committee is directed to study the report and submit their observations/comments within 15 days for further action.

123. Constitution of DPC for the post of Joint Secretary in the Council office.

Read : The matter with regard to constitution of Departmental Promotion Committee for the post of Joint Secretary in the Council office.

The Executive Committee of the Council considered the matter and decided to constitute the Departmental Promotion Committee for the post of Joint Secretary as under:-

Dr. Jayshree Mehta, President
Dr. C.V. Bhirmanandham, Vice-President
Dr. K.K. Gupta, Member, Executive Committee
Dr. V. N. Jindal, Member, Executive Committee
Dr. Vijay Prakash Singh, Member, Executive Committee

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

(Dr. Reena Nayyar)
Secretary I/c.

New Delhi, dated
28.04.2016



APPROVED

(Dr. Jayshree Mehta)
President