

MEDICAL COUNCIL OF INDIA
NEW DELHI
EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 26th April, 2018 at 11.00 a.m. in the Council Office at Sector 8, Pocket 14, Dwarka, New Delhi.

Present:

Dr. Jayshree Mehta	President Medical Council of India, Former Professor of Surgery, Govt. Medical College, Vadodara (Gujarat)
Dr. C.V. Bhirmanandham	Vice-President, Medical Council of India, Former Vice-Chancellor of Dr. M.G.R. Health University, Chennai (Tamil Nadu)
Dr. Anil Chauhan	Principal, Dr. Radhakrishnan Govt. Medical College, Hamirpur-177001 (Himachal Pradesh)
Dr. G.B. Gupta	Vice-Chancellor, Ayush & Health Sciences University, G.E. Road, Raipur (Chhatisgarh)
Dr. Alok Ahuja	Lab Director, Dr. Ahuja's Pathology & Imaging Centre, 7- B, Astley Hall, Dehradun (Uttarakhand)
Dr. Mhaske Chandrakant Bhaskar	Dean, Govt. Medical College, Nanded (Maharashtra)
Dr. Sinam Rajendra Singh	Professor of Urology, Rajendra Instt. of Medical Sciences, Imphal (Manipur) & Director, Manipur Medical Council Imphal, Manipur
Dr. Vijay Prakash Singh	Professor & Head, Department of Gastroenterology, Patna Medical College, Patna (Bihar)

Dr. Reena Nayyar, Secretary (I/c).

Apology for absence were received from Dr. Kampa Shankar and Dr. Narain Venkatesh Bhandare, Members, Executive Committee.

1. Minutes of the Executive Committee Meeting held on 12th April, 2018 – Confirmation of.

The Executive Committee of the Council while confirming the minutes of its meeting held on 12th April, 2018 noted as under:-

Item no.8 **IRT Perundurai Medical College, Erode– Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2018-19 u/s 10 (A) IMC Act, 1956 and Continuation of Recognition of MBBS Degree (60 Seats) u/s 19 of IMC Act, 1956 - regarding**

In the above matter, the Executive Committee of the Council noted that inadvertently, the Committee recommended continuance of recognition of 60 MBBS seats while there was the following deficiencies as under:-

1. Deficiency of faculty is 19.80 % as detailed in the report.
2. Shortage of residents is 14.51 % as detailed in the report.
3. CT Scan: Available CT Scan is 4 slice against minimum 16 slice required.
4. ETO Sterilizer is not available.

In view of above, the Executive Committee decided not to recommend continuance of recognition of MBBS degree (60 seats) granted by the Tamilnadu Dr. MGR Medical University, Chennai in respect of IRT Perundurai Medical College, Erode and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

Item No. 52. Consideration of compliance verification assessment report with regard to continuance of recognition of MBBS degree granted by Sher-I-Kashmir Institute of Medical Sciences, Srinagar (Deemed University) in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, Srinagar.

The Executive Committee decided that the decision in the above item may be read as under:-

The Executive Committee of the Council considered the compliance verification assessment report (4th & 5th April, 2018) previous assessment reports (17th April, 2017 and 30th & 31st May, 2014) and noted the following:-

1. Students' Hostels: Available accommodation is for 165 students against requirement of 300.
2. Interns' Hostel: Available accommodation is for 24 Interns against requirement of 50.
3. Residents' Hostels: Available accommodation is for 10 Residents against requirement of 67.
4. Anatomy department: Embalming room is not available. Band Saw is not available. Dissection Hall & Museum are common. Only 1 Demonstration room is available.
5. Demonstration room is not available in the departments of Physiology, Biochemistry, Microbiology.
6. Physiology department: Students' laboratories are smaller in size.
7. Pathology department: Practical laboratory for Morbid Anatomy is not available. Another practical laboratory is smaller in size than required.
8. Pharmacology department: Demonstration room, Museum are smaller than required.
9. Forensic Medicine department: Autopsy block is not available.
10. Community Medicine department: Demonstration room is not available.
11. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee decided not to recommend continuance of recognition of MBBS degree (50 seats) granted by Sher-I-Kashmir Institute of Medical Sciences, Srinagar (Deemed University) in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, Srinagar and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

The Executive Committee further noted that at its meeting held on 24.03.2018, it had decided not to recognize/approve some of the Government medical colleges due to various deficiencies as pointed out in the assessment report. However, no mention had been made in the decision with regard to admission of fresh batch of students for the academic year 2018-19. In view of above, the Executive Committee decided to grant permission for admission of fresh batch of students for the academic year 2018-19 of the following medical colleges after obtaining undertaking from the respective State Government authorities/Corporation:-

1. Lala Lajpat Rai Memorial Medical College, Meerut for the award of MBBS degree granted by Ch. Charan Singh University, Meerut against the increased intake i.e. from 100 to 150 seats.

2. Late Shri Lakhiram Agrawal Memorial Government Medical College, Raigarh, Chhatisgarh for the award of MBBS degree (50 seats) granted by Pt. Deendayal Upadhyay Memorial Health Sciences & Ayush University, Raipur, Chhatisgarh.
3. Late Shri Baliram Kashyap Memorial Govt. Medical College, Jagdapur for the award of MBBS degree granted by Pandit DeenDayal Upadhyay Health Sciences & Ayush University, Raipur against the increased intake i.e. from 50 to 100 seats.
4. Govt. Medical College, Manjeri, Kerala for the award of MBBS degree (100 seats) granted by Kerala University of Health Sciences, Thrissur.

2. **Minutes of the last meeting of the Executive Committee – Action taken thereon.**

The Executive Committee of the Council noted the action taken on the minutes of its meeting held on 12th April, 2018.

3. **Pending items arising out of the decisions taken by the Executive Committee.**

The Executive Committee of the Council noted the pending items arising out of the decisions taken by the Executive Committee.

4. **Govt. Medical College, Amritsar – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.**

Read: the matter with regard to Govt. Medical College, Amritsar – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (15.03.2018), previous assessment report (4th & 5th August, 2017) along with an undertaking of the Principal Secretary, Medical Education, Government of Punjab dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 150-200 in respect of Govt. Medical College, Amritsar under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

5. **Govt. Medical College, Patiala – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.**

Read: the matter with regard to Govt. Medical College, Patiala – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (16.03.2018) along with previous assessment report (4th & 5th August, 2017) along with an undertaking of the Principal Secretary, Medical Education, Government of Punjab dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 150-200 in respect of Govt. Medical College, Patiala under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

6. Recognition/Approval of Shaheed Hasan Khan Mewati Govt. Medical College, Nalhar, Mewat, Haryana for the award of MBBS degree (100 seats) granted by Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Shaheed Hasan Khan Mewati Govt. Medical College, Nalhar, Mewat, Haryana for the award of MBBS degree (100 seats) granted by Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (21.03.2018) along with previous assessment reports (27th November, 2017 and 12th& 13th December, 2017) and noted the following:-

1. Deficiency of faculty is 14.15 % as detailed in the report.
2. Shortage of Residents is 12.90 % as detailed in the report.
3. Nursing staff: Total 226 Nursing staff are available against requirement of 247.
4. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Shaheed Hasan Khan Mewati Govt. Medical College, Nalhar, Mewat, Haryana for the award of MBBS degree (100 seats) granted by Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Additional Chief Secretary, Medical Education Department, Government of Haryana dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 MBBS students at Shaheed Hasan Khan Mewati Govt. Medical College, Nalhar, Mewat, Haryana for the academic year 2018-2019.

7. Renewal of permission for MBBS course for 2nd batch (100 seats) of Kalpana Chawla Govt. Medical College, Karnal, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (100 seats) of Kalpana Chawla Govt. Medical College, Karnal, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (29th January, 2018), previous assessment report (18/19.09. 2017), letter dated 30/01/2018 received from the college authorities along with an undertaking of the Additional Chief Secretary, Medical Education Department, Government of Haryana dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (100 seats) of Kalpana Chawla Govt. Medical College, Karnal, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

8. Renewal of permission for MBBS course for 4th batch (100 seats) of Andaman & Nicobar Islands Institute of Medical Sciences, Port Blair under Pondicherry University u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (100 seats) of Andaman & Nicobar Islands Institute of Medical Sciences, Port

Blair under Pondicherry University u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (05th February, 2018), previous assessment report (28th and 29th August, 2017) along with an undertaking of the Principal Secretary, Health, Andaman & Nicobar Administration dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (100 seats) of Andaman & Nicobar Islands Institute of Medical Sciences, Port Blair under Pondicherry University u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

9. Renewal of permission for MBBS course for 5th batch (100 seats) of Government Medical College, Rajnandgaon, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (100 seats) of Government Medical College, Rajnandgaon, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (28th December, 2017), previous assessment report (21st & 22nd Aug., 2017), letter dated 05/01/2018 received from the college authorities along with an undertaking of the Secretary (Health), Mantralaya, Government of Chhattisgarh dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch (100 seats) of Government Medical College, Rajnandgaon, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

10. Re-designation/Upgradation of Medical Faculty to the senior level without promotion at Medical Colleges in Tripura.

Read: the matter with regard to re-designation/upgradation of Medical Faculty to the senior level without promotion at Medical Colleges in Tripura.

The Executive Committee of the Council considered the letter dated 27.03.2018 received from the Central Government, Ministry of Health & F.W., New Delhi with regard to re-designation/upgradation of Medical Faculty to the senior level without promotion at Medical Colleges in Tripura. The Committee observed that the office has obtained legal opinion in the matter.

The Executive Committee after due deliberations, decided to accept the following opinion of the Council Advocate and directed the office to inform the Government of Tripura accordingly:-

“.....

8. *In light of the above, I am of the considered opinion that only those candidates who fulfill the eligibility criteria of minimum academic qualifications and teaching / research experience as per Minimum Qualification for Teachers in Medical Institutions Regulations, 1998 are qualified to hold the respective teaching posts in medical colleges in the country and no appointments of teachers/residents in institutions, which are contrary to the Minimum Qualification for Teachers in Medical Institutions, Regulations 1998, can be approved / recognized by the querist.*
9. *In view of the aforesaid peculiar situation, I am of the considered view that once the State of Tripura appoints / designates teaching faculty as Professor, Associate Professor and Assistant Professor, even without granting them promotion or even upgrading their pay scale including other benefits consequent to their promotion & such faculty members possess requisite qualification & experience including all other statutory requirements as per the Minimum Qualification for Teachers in Medical Institutions, Regulations 1998, therefore, there cannot be*

any impediment in considering them as faculty for the purposes of the Indian Medical Council Act, 1956 and the Regulations made thereunder”.

11. Renewal of permission for MBBS course for 3rd batch (150 seats) of Kodagu Institute of Medical Sciences, Kodagu, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Kodagu Institute of Medical Sciences, Kodagu, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (29th December, 2017), previous assessment report (30th & 31st Aug., 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of Kodagu Institute of Medical Sciences, Kodagu, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

12. Renewal of permission for MBBS course for 3rd batch (150 seats) of Chamarajanagar Institute of Medical Sciences, Chamarajanagar under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Chamarajanagar Institute of Medical Sciences, Chamarajanagar under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (29th December, 2017), previous assessment report (29th & 30th Aug., 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of Chamarajanagar Institute of Medical Sciences, Chamarajanagar under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

13. Renewal of permission for MBBS course for 4th batch (150 seats) of Gadag Institute of Medical Sciences, Gadag, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of Gadag Institute of Medical Sciences, Gadag, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (3rd Jan., 2018), previous assessment report (21st & 22nd Aug., 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (150 seats) of Gadag Institute of Medical Sciences, Gadag, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

14. Renewal of permission for MBBS course for 3rd batch (150 seats) of Karwar Institute of Medical Sciences, Karwar, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Karwar Institute of Medical Sciences, Karwar, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report(4th Jan., 2018), previous assessment report(30th& 31st Aug., 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of Karwar Institute of Medical Sciences, Karwar, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

15. Renewal of permission for MBBS course for 4th batch (150 seats) of Gulbarga Institute of Medical Sciences, Gulbarga, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of Gulbarga Institute of Medical Sciences, Gulbarga, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (3rd Jan., 2018), previous assessment report (18th& 19th Aug., 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch (150 seats) of Gulbarga Institute of Medical Sciences, Gulbarga, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

16. Renewal of permission for MBBS course for 4th batch (150 seats) of Koppal Institute of Medical Sciences, Koppal, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of Koppal Institute of Medical Sciences, Koppal, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (4th April, 2018), previous assessment report (21st& 22nd August, 2017) along with letter dated nil received from the college authorities and noted the following-:

1. Deficiency of faculty is 35.04 % as detailed in the report.
2. Shortage of Residents is 36.03 % as detailed in the report.
3. Speech therapy is not available.
4. OPD attendance upto 2 p.m. on day of assessment is 728 against requirement of 900.
5. CT Scan is not functional. Only 2 Mobile X-ray machines are available against requirement of 4.
6. ETO Sterilizer is not available.
7. Hospital Lecture Theater is not available.

8. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt .not to renew the permission for admission of 4thbatch of 150 MBBS students at Koppal Institute of Medical Sciences, Koppal, Karnataka under Rajiv Gandhi University of Health Sciences, Bangaloreu/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

17. **Renewal of permission for MBBS course for 3rd batch (100 seats) of Government Medical College, Gondia under Maharashtra University of Health Sciences, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.**

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of Government Medical College, Gondia under Maharashtra University of Health Sciences, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (28th December, 2017), previous assessment report (29th& 30th Aug., 2017) along with an undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rdbatch (100 seats) of Government Medical College, Gondia under Maharashtra University of Health Sciences, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

18. **Renewal of permission for MBBS course for 4th batch (100 seats) of Government Medical College, Chandrapur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.**

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (100 seats) of Government Medical College, Chandrapur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (28th December, 2017), previous assessment report (21st& 22nd Aug., 2017) along with an undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018and decided to recommend to the Central Govt. to renew the permission for admission of 4thbatch (100 seats) of Government Medical College, Chandrapur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

19. **Renewal of permission for MBBS course for 4th batch (150 seats) of HinduhridayasamratBalasaheb Thackeray Medical College and Dr. R. N. Cooper Municipal General Hospital, Juhu, Mumbai under Maharashtra University of Health Sciences, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.**

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of HinduhridayasamratBalasaheb Thackeray Medical College and Dr. R. N. Cooper Municipal General Hospital, Juhu, Mumbai under Maharashtra University of Health Sciences, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report(22nd December, 2017), previous assessment report(18th& 19th Aug., 2017) along with an undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018and decided

to recommend to the Central Govt. to renew the permission for admission of 4th batch (150 seats) of Hinduhridayasamrat Balasaheb Thackeray Medical College and Dr. R.N. Cooper Municipal General Hospital, Juhu, Mumbai under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

20. Establishment of new medical college at Jalgaon, 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 2018-19.

Read: the matter with regard to establishment of new medical college at Jalgaon, 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 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (3rd April, 2018), previous assessment report (20th & 21st November, 2017), letter/representation dated 05.04.2018 from the college authorities along with an undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Jalgaon, 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 2018-19.

21. Establishment of new medical college at Ratlam, Madhya Pradesh (Govt. Medical College, Ratlam) by Govt. of Madhya Pradesh with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Ratlam, Madhya Pradesh (Govt. Medical College, Ratlam) by Govt. of Madhya Pradesh with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (6th April, 2018), previous assessment report (21st & 22nd November, 2017) along with letter dated 11.04.2018 received from the Dean & CEO, Govt. Medical College, Ratlam, M.P. and noted the following:-

1. Deficiency of faculty is 100 % as detailed in the report.
2. There is no regular Dean. Dr. Sanjay Dixit is only in charge Dean. He is working as Professor & HOD of Community Medicine at MGM Medical College, Indore and also appeared during assessment at that Institute just 1 day before the assessment at this Institute.
3. Dr. A.R. Chandekar, Medical Superintendent has 4 years of Administrative experience against requirement of 10 years; hence not qualified to hold the post.
4. Shortage of Residents is 100 % as detailed in the report.
5. Departments of Anatomy, Physiology, Biochemistry are still under construction. Instruments & Equipment are not available.
6. OPD: Registration facilities are inadequate. Waiting area is not furnished. Teaching areas are not available. Injection room is common for males/females. Dressing room is common for males/females. Minor O.T. is not available.
7. Audiometry/Speech Therapy are not available.
8. Histopathology & Cytopathology work is outsourced.
9. Casualty: Central O₂ and Central Suction are not available.

10. Central Clinical Laboratory: Microbiology section is not available.
11. Lecture Theaters, Central Library, Students' Hostels, Residential Quarters, Dean's Office, Common Rooms for Boys & Girls are still under construction.
12. Central Photography section is not available.
13. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Ratlam, Madhya Pradesh (Govt. Medical College, Ratlam) by Govt. of Madhya Pradesh with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

22. Renewal of permission for MBBS course for 2nd batch (150 seats) of Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (7th February, 2018), previous assessment report (18th & 19th September, 2017) alongwith an undertaking of Principal Secretary, Medical Education, Govt. of Uttar Pradesh, dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (150 seats) of Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, Uttar Pradesh under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

23. Renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Allopathic Medical College, Banda under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Allopathic Medical College, Banda under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (01st February, 2018) alongwith previous assessment report (6th and 7th September, 2017) and noted the following:-

1. Deficiency of faculty is 50.56 % as detailed in the report.
2. Shortage of Residents is 38.29 % as detailed in the report.
3. Blood Bank is not functional.
4. OPD attendance upto 2 p.m. on day of assessment was 465 against requirement of 600.
5. Bed Occupancy at 10 a.m. on day of assessment was 31.33 %.
6. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
7. Histopathology workload is NIL.
8. Nursing staff: 106 Nursing staff are available against requirement of 175.
9. OPD: Child Welfare clinic, Child Rehabilitation clinic are not functional in Paediatrics OPD.
10. ICUs: There was NIL patient on day of assessment.

11. CT Scan is not available.
12. MRD: It is partially computerized.
13. Central Research Laboratory is not available.
14. Central Library: Available books are 2,700 against requirement of 4,000. 24 Journals are available against requirement of 40. There is NIL functional Internet Node.
15. Pathology department: Museum is not functional.
16. Microbiology department: 7 Service Laboratories, Museum are not functional.
17. Pharmacology department: Museum is not functional.
18. Forensic Medicine department: Cold Storage, Museum are not functional.
19. Community Medicine department: Museum is not functional.
20. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt .not to renew the permission for admission of 3rd batch (100 seats) of Govt. Allopathic Medical College, Banda under King George's Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

24. Establishment of new medical college at Greater Noida, Uttar Pradesh (Government Institute of Medical Sciences, Greater Noida, Uttar Pradesh) by Govt. of Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Greater Noida, Uttar Pradesh (Government Institute of Medical Sciences, Greater Noida, Uttar Pradesh) by Govt. of Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (6th April, 2018) along with previous assessment report (13th& 14th November, 2017) and noted the following:-

1. Deficiency of faculty is 28.81 % as detailed in the report.
2. Shortage of Residents is 33.33 % as detailed in the report.
3. Nursing staff: 64 Nursing staff are available against requirement of 175.
4. Blood Bank is not available.
5. O.T.: 3 Major O.T.s are functional against requirement of 4.
6. ICU: Ventilator is not available.
7. Radiodiagnosis department: Staff are not wearing TLD badges. 1 Static X-ray machine is available against requirement of 2. 1 USG machine is available against requirement of 3.
8. MRD: MRO is not available. Record keeping is very poor. ICD X classification is adopted partially for a few departments.
9. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Greater Noida, Uttar Pradesh (Government Institute of Medical Sciences, Greater Noida, Uttar Pradesh) by Govt. of Uttar Pradesh to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

25. Raichur Institute of Medical Sciences, Raichur – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Raichur Institute of Medical Sciences, Raichur – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (19.01.2018), previous assessment report (29th&30thAugust, 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 at Raichur Institute of Medical Sciences, Raichur, under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

26. Compliance Verification assessment of the physical and other teaching facilities available at Raichur Institute of Medical Sciences, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

Read: the matter with regard to compliance verification assessment of the physical and other teaching facilities available at Raichur Institute of Medical Sciences, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (21st March, 2018) along with the previous assessment reports (27th November, 2017, 21st July, 2017, 20th February, 2017, 11th November 2016, 18th May 2016, 16th Dec., 2015, 9th March, 2015 &, 15th & 16th Sept., 2014) and noted the following:-

1. Shortage of Residents is 14.06 % as detailed in the report.
2. There is no TB& Chest department.
3. Residents' Hostel: Accommodation is available for 30 Residents against requirement of accommodation for 67 Residents.
4. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Raichur Institute of Medical Sciences, Raichur and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within 01(one) month.

27. Hassan Institute of Medical Sciences, Hassan – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Hassan Institute of Medical Sciences, Hassan – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (19.01.2018) along with previous assessment reports (28th&29thAugust, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 seats in respect of Hassan Institute of Medical Sciences, Hassan, under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

28. Karnataka Institute of Medical Sciences, Hubli – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

Read: the matter with regard to Karnataka Institute of Medical Sciences, Hubli – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (08.01.2018), previous assessment report (4th & 5th August, 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 150-200 seats in respect of Karnataka Institute of Medical Sciences, Hubli under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

29. Belagavi Institute of Medical Sciences, Belagavi – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Belagavi Institute of Medical Sciences, Belagavi – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018.

The Executive Committee of the Council considered the compliance verification assessment report (04.01.2018), previous assessment report (28th & 29th August, 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 at Belagavi Institute of Medical Sciences, Belagavi under Rajiv Gandhi University of Health Sciences, Bengaluru u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

30. Mandya Institute of Medical Sciences, Mandya – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Mandya Institute of Medical Sciences, Mandya – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (28.12.2017) along with previous assessment report (28th & 29th August, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 at Mandya Institute of Medical Sciences, Mandya, under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

31. Shimoga Institute of Medical Sciences Shimoga – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19 and Continuation of Recognition of MBBS Degree (100 Seats).

Read: the matter with regard to Shimoga Institute of Medical Sciences Shimoga – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19 and Continuation of Recognition of MBBS Degree (100 Seats).

The Executive Committee of the Council considered the compliance verification assessment report (28.12.2017) previous assessment report (29th& 30th August, 2017) and noted the following:-

1. Deficiency of faculty is 12.6 % as detailed in the report.
2. Shortage of Residents is 19.35 % as detailed in the report.
3. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree (100 seats) granted by Shimoga Institute of Medical Sciences, Shimoga under Rajiv Gandhi University of Health Sciences, Bangalore and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

Further, the Committee considering the undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100 -150 at Shimoga Institute of Medical Sciences, Shimoga under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

32. Bidar Institute of Medical Sciences, Bidar – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Bidar Institute of Medical Sciences, Bidar – Renewal of Permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (21.03.2018), previous assessment report (29th& 30th August, 2017) along with an undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of MBBS students against the increased intake i.e. from 100-150 at Bidar Institute of Medical Sciences, Bidar, under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

33. Compliance verification Assessment of the physical and other teaching facilities available at Bidar Institute of Medical Science, Bidar under Rajiv Gandhi University of Health Sciences.

Read: the matter with regard to compliance verification assessment of the physical and other teaching facilities available at Bidar Institute of Medical Science, Bidar under Rajiv Gandhi University of Health Sciences.

The Executive Committee of the Council considered the compliance verification assessment report (21.03.2018) along with previous assessment reports (24.11.2017, 14.06.2017 and 16th & 17th May, 2016) and noted the following:-

1. Deficiency of faculty is 18.86 % as detailed in the report.
2. Shortage of Residents is 25.80 % as detailed in the report.
3. There is a shortage of 197 teaching beds as total beds available are 345 against requirement of 542. No further details of department-wise shortage are given.
4. Histopathology workload is only 2 on day of assessment.
5. Cytopathology workload is only 1 on day of assessment.
6. Intercom is not available.
7. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences in respect of students being trained at Bidar Institute of Medical Science, Bidar and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within 01(one) month.

34. Recognition/approval of Gandhi Medical College, Bhopal for the award of MBBS degree granted by Barkatullah Vishwavidyalaya, Bhopal against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Gandhi Medical College, Bhopal for the award of MBBS degree granted by Barkatullah Vishwavidyalaya, Bhopal against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports(20.03.2018 and 14/15.03.2018) and noted the following:-

1. Dr. Deepak Maravi, Medical Superintendent has administrative experience of only 1 year 3 months against requirement of 10 years; hence not qualified to hold the post.
2. Histopathology workload was only 5 on day of assessment.
3. OPD: Registration counters are partially computerized. Speech Therapy room is available.
4. Casualty: Separate Casualty for O.G. is not available.
5. Central Clinical laboratory: Microbiology section is not available.
6. ICUs: Air-conditioning is not working.
7. 3 Static X-rays are available against requirement of 6.
8. MRD: It is partially computerized. ICD X classification of Diseases for indexing of diseases is partially followed.
9. Examination Hall: Total capacity available in 5 Examination Halls is 450 against requirement of total capacity of 500 (i.e. 2 of 250 capacity each).
10. Central Library: Available area is 2,200 sq.m. against requirement of 2,400 sq.m.
11. Students' Hostels: Available accommodation is for 410 students against requirement of 450.
12. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Gandhi Medical College, Bhopal for the award of MBBS degree granted by Barkatullah Vishwavidyalaya, Bhopal against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Principal Secretary & Commissioner, Medical Education, Govt. of Madhya Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 140 to 150 seats at Gandhi Medical College, Bhopal for the academic year 2018-2019.

35. Recognition/approval of Shyam Shah Medical College, Rewa for the award of MBBS degree granted by Awadhesh Pratap Singh University, Rewa against the increased intake i.e. from 60 to 100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Shyam Shah Medical College, Rewa for the award of MBBS degree granted by Awadhesh Pratap Singh

University, Rewa against the increased intake i.e. from 60 to 100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (21st March and 14/15th March, 2018) and noted the following:-

1. Deficiency of faculty is 10.85 % as detailed in the report.
2. Shortage of Residents is 13.43 % as detailed in the report.
3. Anatomy department: Cold storage is not in working order.
4. Biochemistry department: Practical laboratory capacity is less than required.
5. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Shyam Shah Medical College, Rewa for the award of MBBS degree granted by Awadhesh Pratap Singh University, Rewa against the increased intake i.e. from 60 to 100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Principal Secretary & Commissioner, Medical Education, Govt. of Madhya Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 60 to 100 seats at Shyam Shah Medical College, Rewa for the academic year 2018-2019.

36. Recognition/approval of MGM Medical College, Indore for the award of MBBS degree granted by Devi Ahilya Vishwavidyalaya, Indore against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of MGM Medical College, Indore for the award of MBBS degree granted by Devi Ahilya Vishwavidyalaya, Indore against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (14.03.2018 and 3rd & 4th April, 2018) and noted the following:-

1. Central Library: Available area is 1,335 sq.m. against requirement of 2,400 sq.m. It is not air-conditioned. Capacity of Students' Reading room (Outside) & Students' Reading room (Inside) is 100 each against 150 each required.
2. Common Rooms for Boys & Girls' do not have attached toilets.
3. Interns' Hostel: Available accommodation is for 50 Interns against 75 required.
4. Residential quarters: 9 quarters are available for faculty against requirement of 26.
5. 5 Static X-ray machines are available against requirement of 6.
6. CSSD: ETO Sterilizer is not available. Receiving & Distribution points are not separate.
7. RHTC: Specialists' visits are not organized.
8. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve MGM Medical College, Indore for the award of MBBS degree granted by Devi Ahilya Vishwavidyalaya, Indore against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Principal Secretary & Commissioner, Medical Education, Govt. of Madhya Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for

admission of fresh batch of 140 to 150 seats at MGM Medical College, Indore for the academic year 2018-2019.

37. Recognition/approval of Netaji Subhash Chandra Bose Medical College, Jabalpur for the award of MBBS degree granted by Rani Durgavati Vishwavidyalaya, Jabalpur against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Netaji Subhash Chandra Bose Medical College, Jabalpur for the award of MBBS degree granted by Rani Durgavati Vishwavidyalaya, Jabalpur against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports(22ndMarch and 3rd and 4th April, 2018) and noted the following:-

1. Deficiency of faculty is 15.18 % as detailed in the report.
2. Nursing staff: Nursing Superintendent & Dy. Nursing Superintendent are not available.
3. OPD: In Orthopaedics OPD, a single room is used as Dressing room for males/females, plaster room & plaster cutting room.
4. CSSD: ETO Sterilizers are not installed. Receiving & Distribution points are not separate.
5. Central Research Laboratory is not available.
6. Examination Halls: They are unfurnished.
7. Anatomy department: Dissection Microscopes are not available. Only 4 Lockers are available against requirement of 150.
8. Biochemistry department: Audiovisual aids are not available in Demonstration room.
9. Pathology department: Only 1 Service Laboratory is available against requirement of 4.
10. Microbiology department: Only 1 Service Laboratory is available against requirement of 7.
11. Forensic Medicine department: Practical laboratory is not available.
12. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Netaji Subhash Chandra Bose Medical College, Jabalpur for the award of MBBS degree granted by Rani Durgavati Vishwavidyalaya, Jabalpur against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Principal Secretary & Commissioner, Medical Education, Govt. of Madhya Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 140 to 150 seats at Netaji Subhash Chandra Bose Medical College, Jabalpur for the academic year 2018-2019.

38. Calcutta National Medical College, Kolkata – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

Read: the matter with regard to Calcutta National Medical College, Kolkata – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (28.12.2017), previous assessment report (4th& 5th August, 2017), letter/representation dated 05.03.2018 from the Principal of the college along with an undertaking of the Principal Secretary, Health & Family Welfare

Department, Government of West Bengal dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 150-200 at Calcutta National Medical College, Kolkata under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

39. Midnapore Medical College, Midnapore – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Midnapore Medical College, Midnapore – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (21.03.2018), previous assessment report (21st&22nd August, 2017) along with an undertaking of the Principal Secretary, Health & Family Welfare Department, Government of West Bengal dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 at Midnapore Medical College, Midnapore under The West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

40. Recognition/approval of Shri Bhausaheb Hire Govt. Medical College, Dhule for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Shri Bhausaheb Hire Govt. Medical College, Dhule for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (21.03.2018) along with previous assessment report (6th & 7th December, 2017) and noted the following:-

1. Deficiency of faculty is 10.3 % as detailed in the report.
2. Shortage of Residents is 22.5 % as detailed in the report.
3. Bed Occupancy at 10 a.m. on day of assessment is 70.42 %.
4. Casualty: Central O₂ and Central Suction are not available. Disaster Trolley is not available.
5. CT Scan: It is 6 slice against requirement of minimum 16 slice.
6. Central Research Laboratory is not available.
7. Examination Hall: it is not available.
8. Lecture Theaters: 2 Lecture Theaters are not of Gallery type. Hospital lecture Theater is not of Gallery type.
9. Central Library: It is not air-conditioned. Available area is 763 sq.m. against requirement of 1,600 sq.m. Students' reading room (Inside) is not available. Capacity of Students' Reading room (Inside) & Staff reading room is less than required. 86 Journals are required against requirement of 100. 25 Internet Nodes are available against requirement of 40.
10. Students' Hostels: Study room does not have computer & Internet.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Shri Bhausaheb Hire Govt. Medical College, Dhule for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the

Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 50 to 100 seats at Shri Bhausaheb Hire Govt. Medical College, Dhule for the academic year 2018-2019.

41. Recognition/approval of S.N. Medical College, Agra for the award of MBBS degree granted by Dr. B.R. Ambedkar University, Agra against the increased intake i.e. from 128 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of S.N. Medical College, Agra for the award of MBBS degree granted by Dr. B.R. Ambedkar University, Agra against the increased intake i.e. from 128 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (09.04.2018) along with previous assessment reports (23.01.2018, 26.04.2017, 27.03.2017, 02.12.2016 and 11.04.2016 & 12.04.2016) and noted the following:-

1. Deficiency of faculty is 10.71 % as detailed in the report.
2. Nursing staff: Only 147 Nursing staff are available against 372 required.
3. CSSD: There is no separate CSSD. ETO Sterilizer is not available.
4. Central Library: Available area is 360 sq.m. against requirement of 2,400 sq.m. It is not air-conditioned. Students' reading room (Outside) & Staff Reading room are not available. Capacity of Students' reading room (Inside) is 100 against requirement of 150. Available Internet Nodes are only 10 against 40 required.
5. Residential Quarters: Quarters for faculty are not available in the campus.
6. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve S.N. Medical College, Agra for the award of MBBS degree granted by Dr. B.R. Ambedkar University, Agra against the increased intake i.e. from 128 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Principal Secretary, Medical Education, Govt. of Uttar Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 128 to 150 seats at S.N. Medical College, Agra for the academic year 2018-2019.

42. Recognition/approval of BRD Medical College, Gorakhpur for the award of MBBS degree granted by DeenDayalUpadhyay Gorakhpur University, Gorakhpur against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

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

The Executive Committee of the Council considered the assessment reports (3rd/4th April and 6th March, 2018) and noted the following:-

1. Deficiency of faculty is 16.80 % as detailed in the report.

2. Administrative experience of Dr. Rama S. Shukla, Medical Superintendent is not given; hence it cannot be verified whether he is qualified to hold the post.
3. Bed Occupancy at 10 a.m. on day of assessment was 64%.
4. MRD: It is partially computerized.
5. Casualty: 20 beds are available against requirement of 30. Separate Casualty for O.G. is not available. Minor O.T. is not available.
6. Central Library: Available Journals are 30 against requirement of 100. 20 Internet Nodes are available against requirement of 25.
7. Website: Information uploaded is sketchy as detailed in the report.
8. Physiology department: Mammalian laboratory is not available.
9. Biochemistry department: Audiovisual aids are not available in the Demonstration room.
10. Forensic Medicine: Practical Laboratory is not available.
11. RHTC: Interns' hostel is in dilapidated condition. Specialists' visits are not organized.
12. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve BRD Medical College, Gorakhpur for the award of MBBS degree granted by Deen Dayal Upadhyay Gorakhpur University, Gorakhpur against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Principal Secretary, Medical Education, Govt. of Uttar Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 50 to 100 seats at BRD Medical College, Gorakhpur for the academic year 2018-2019.

43. Increase of seats in MBBS course from 200 to 250 at Shri M. P. Shah Govt. Medical College, Jamnagar u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to increase of seats in MBBS course from 200 to 250 at Shri M. P. Shah Govt. Medical College, Jamnagar u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (20.03.2018) along with previous assessment reports (5th & 6th December, 2017) and decided to recommend to the Central Govt. to issue Letter of Permission for increase of MBBS seats from 200 to 250 u/s 10A of the IMC Act, 1956 in respect of Shri M. P. Shah Govt. Medical College, Jamnagar under Saurashtra University for the academic year 2018-2019.

44. Recognition/Approval of Govt. Medical College, Bettiah, West Champaran, Bihar for the award of MBBS degree (100 seats) granted by Aryabhatta Knowledge University, Patna u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Govt. Medical College, Bettiah, West Champaran, Bihar for the award of MBBS degree (100 seats) granted by Aryabhatta Knowledge University, Patna u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (12.04.2018) along with previous assessment report (20th & 21st February, 2018) and noted the following:-

1. Deficiency of faculty is 40.56 % as detailed in the report.
2. All the Residents are staying outside the campus as no accommodation is available within campus.
3. Bed Occupancy at 10 a.m. on day of assessment was 55.53 %.

4. Nursing staff: 204 Nursing staff are available against requirement of 247.
5. Paramedical & Non-teaching staff: 104 Paramedical & Non-teaching staff are available against requirement of 179.
6. OPD: In OG OPD, Antenatal clinic, Family Welfare clinic, Sterility clinic are not available.
7. Audiometry & Speech Therapy are not available.
8. Wards: Distance between 2 beds is < 1.5 m in some wards. Demonstration room, Pantry are not available in some wards.
9. CT Scan is not available.
10. Casualty: 8 beds are available against requirement of 20. Separate Casualty for O.G. is not available. Central O₂ and Central Suction are not available. Resuscitation equipment are inadequate as detailed in the report.
11. O.T.: Central O₂ and Central Suction are not available. Resuscitation equipment are inadequate as detailed in the report. Anaesthesia work station is not available.
12. ICUs: ICCU is not available. Resuscitation equipment are inadequate as detailed in the report.
13. Labour room: Septic Labour room is not available.
14. Radiodiagnosis department: 2 Mobile X-ray machines are available against requirement of 4. 3 Static X-ray machines are available against requirement of 5 out of which 1 is non-functional. 2 USG are available against requirement of 3 out of which 1 is non-functional.
15. CSSD: it is not available.
16. Pharmacist is not available.
17. MRD: It is partly computerized. ICD X classification of diseases is not followed for indexing.
18. Intercom is not available.
19. Examination Hall: 2 Examination Halls of capacity 100 each are available against requirement of 1 of capacity 250 each.
20. Central Library: It is not air-conditioned. Available area is 600 sq.m. against requirement of 1,600 sq.m. Capacity of Students' reading room (Outside) & Students' reading room (Inside) is 50 each against requirement of 100 each. Capacity of Staff Reading room is 10 against requirement of 20. 70 Journals are available against requirement of 100.
21. Students' Hostels: They are located outside the campus.
22. Interns' Hostel: it is under construction.
23. Residents' Hostel: it is under construction.
24. Nurses' Hostel: Only 14 rooms are available against requirement of accommodation for 48 Nurses.
25. Residential quarters: NIL quarters are available within the campus.
26. Anatomy department: Students' lockers are not available.
27. Microbiology department: Demonstration room is not available. NIL Service laboratory is available against requirement of 7. Museum is not available.
28. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Govt. Medical College, Bettiah, West Champaran, Bihar for the award of MBBS degree (100 seats) granted by Aryabhatta Knowledge University, Patna u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee decided to recommend to the Central Government not to renew the permission for admission of fresh batch of 100 MBBS students at Govt. Medical College, Bettiah, West Champaran, Bihar for the academic year 2018-2019.

45. Renewal of permission for admission of 3rd batch of 150 MBBS students at N.C Medical College & Hospital, Panipat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students at N.C Medical College & Hospital, Panipat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (13.04.2018) along with photographs/videography, previous assessment report (17th & 18th November, 2017) and noted the following:-

1. Deficiency of faculty is 9 % as detailed in the report.
2. Shortage of Residents is 28.57 % as detailed in the report.
3. On random verification, 14 Residents were found to be not staying in the Residents' hostel.
4. Engineering college girls – Kajal Sharma, Anju, Sapexh & Pallavi – are staying in room nos. 303, 310 & 316 allotted to Junior Residents.
5. In SR hostel, Room # 315 was allotted to Annu Khatri, SR, O.G.; however on verification it was found that wife of Dr. Abu Siddiq, Asst. prof. of Pharmacology was staying.
6. List of faculty & Residents joined or promoted after last assessment was not produced.
7. OPD data as given by the Institute are inflated when correlated with investigations being carried out.
8. Bed Occupancy at 10 a.m. on day of assessment as 50%.
9. Patients: 32 patients were not considered in departments of Surgery, Medicine, Psychiatry, TBCD, Orthopaedics, General Medicine:
 - Patient Balkishna admitted in female medical ward with complaints of muscle pain, Rash (there was no rash).
 - Mrs. Dhanpati IP No.70318262 admitted in female ward for Cataract operation, with controlled diabetes.
 - Pt. Shantidevi IP No.50418176 admitted for controlled Diabetes and no complaints.
 - Patient Renu IP No.120418621 admitted with diagnosis of Obesity.
 - Patient Aminaben IP No.120418162 without any symptoms with diagnosis of Anemia.
 - In Psychiatry Department patient Deepak IP No.030418314 was admitted from 3rd April with complaints of Anxiety.
 - Patient IP No.03041840 was admitted for mild depression.
 - Another patient was admitted for alcohol withdrawal tremors.
 - In female psychiatry ward patient Santro was admitted with mild depression.
 - In TB Chest ward Pt Sube Singh was having only mild weakness and burning sensations on tongue.
 - Patient Savitri Devi was admitted for COPD but no symptoms were seen.
 - In Surgery ward patient Parveen IP No.120418317 was admitted with complaints of Mild headache.
 - Patient Aminaben was kept after laparoscopic Cholecystectomy done on 4th April having no symptoms.
 - Pt Santosh was indoor for Excision Biopsy for Breast lump for dressing only.
 - Patient Mrs. Suman No.10041833 admitted with Diagnosis of Ureteric stone but USG was normal.
 - Pt. Sunita No.03041837 was operated for Laparoscopic cholecystectomy on 4th April and kept without any symptoms.
 - Patient Seema IP No.2803182 ureteric stone removal kept for 4 days without any symptoms.

- Pt. Angrejo 260318432 was kept after laparoscopic cholecystectomy done on 4th April without any symptoms.
 - Patient Saroj IP No.24031878 was kept after ureteric stone removal for 8 days without any symptoms.
 - Patient Azar admitted in male surgical ward complained of burning all over the body and no surgical complaints.
 - Patient Terjbir Singh operated for Inguinal hernia kept since 3rd April without any complaints.
 - Patient Ramesh IP 10041828 admitted with very small umbilical hernia, which patient did not complain of
 - Pt Paleram 1304187 admitted with very small umbilical hernia, which the patient did not complain of.
 - Another patient Paleram had Incision and drainage of small abscess.
 - Patient Mr. Nanu admitted with diagnosis of BPH had no USG done although he was admitted on 7th April.
 - In Orthopedics patient Ritesh was admitted with small hand injury.
 - Patient Kidara 0204183 was admitted since 2nd April with diagnosis of Cervical Spondylosis, on asking the patient complain of knee pain.
 - Patient Sunil admitted without any Diagnostic X Rays.
 - Total 32 such patients were not counted.
 - Hence 32 patients were deducted out of 182 admitted patients. So bed occupancy is calculated at 150 patients.
10. There were only 6 Major & 4 Minor Operations on day of assessment.
 11. There was NIL Normal Delivery on day of assessment.
 12. CT Scan is not available.
 13. In many wards, Demonstration rooms are non-functional & not furnished.
 14. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch of 150 MBBS students at N.C Medical College & Hospital, Panipat, Haryana under Pt. B.D Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

46. Dr. Ulhas Patil Medical College & Hospital, Jalgaon – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Dr. Ulhas Patil Medical College & Hospital, Jalgaon – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (10th & 11th April, 2018) along with photographs/ videography, previous assessment reports (18.01.2018 & 23rd & 24th November, 2017) and noted the following:-

1. Deficiency of faculty is 41.12 % as detailed in the report.
2. Shortage of Residents is 59.09 % as detailed in the report.
3. Bed Occupancy at 10 a.m. on day of assessment was 17.16 %.
4. There were only 7 Major & 2 Minor Operations on day of assessment.
5. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
6. Central Clinical laboratory: Separate registers for investigations of different sections are not available.
7. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 in respect of

Dr.Ulhas Patil Medical College & Hospital, Jalgaon under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March, 2016, which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic year and further such an institute will not be considered for processing applications for postgraduate courses in that Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act,1956 along with direction of stoppage of admissions in permitted postgraduate courses.”

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2019-20) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act,1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

47. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Ulhas Patil Medical College & Hospital, Jalgaon.

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Ulhas Patil Medical College & Hospital, Jalgaon.

The Executive Committee of the Council considered the assessment report (10th& 11th April, 2018) along with photographs/videography and noted the following:-

1. Deficiency of faculty is 34.86 % as detailed in the report.
2. Shortage of Residents is 56.45 % as detailed in the report.
3. Bed Occupancy at 10 a.m. on day of assessment was 21.91 %.
4. There were only 7 Major & 2 Minor Operations on day of assessment.
5. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
6. In Histopathology laboratory, requisition forms were not available for scrutiny.
7. Casualty: Separate Casualty for O.G. is not available. Disaster Trolley is not available. Ventilator is not available.
8. ICUs: Total 5 beds are available for NICU/PICU against requirement of 5 beds each.
9. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr.

Ulhas Patil Medical College & Hospital, Jalgaon and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within 01 month.

The Executive Committee of the Council further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016, which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic year and further such an institute will not be considered for processing applications for postgraduate courses in that Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted postgraduate courses.”

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2019-20) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

48. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Sri Aurobindo Institute of Medical Sciences, Indore under Devi Ahilya Vishwavidyalaya, Indore.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Sri Aurobindo Institute of Medical Sciences, Indore under Devi Ahilya Vishwavidyalaya, Indore.

The Executive Committee of the Council considered the compliance verification assessment report (13.04.2018), previous assessment reports (18.12.2017 & 19.12..2017) and letters/representations dated 13.04.2018, 16.04.2018, 20.04.2018, 21.04.2018 from the Dean, Sri Aurobindo Institute of Medical Sciences, Indore, Dr. Suchita Bajaj and Dr. Mrs. S. Bose, Director Medical Education, Indore and noted the following:-

1. Dean has refused to sign the report after reading the same.
2. On verification, it was observed by assessors that 9 Senior Residents were not staying in the campus; resultantly shortage of Residents is 18.51 %.
3. On cross verification during head count, faculty members of Medicine & Surgery departments did not even know the names of Senior & Junior Residents posted in their Units.
4. On random verification, it was observed that in the department of General Medicine, cheques ranging from Rs. 3,10,834 to Rs. 4,07,395 were issued to

the Junior Residents on day of assessment itself implying that regular stipend is not being paid to them.

5. OPD: On random verification of Central OPD register with departmental OPD registers, there was mismatch between them. In Paediatrics OPD, students from a school were brought with no complaints to inflate the figures.
6. Bed Occupancy: About 25 % of the patients admitted are non-genuine & do not merit admission. Resultantly Bed Occupancy is 53 %.
7. Patients:-
 - Vishnu, 45 years, with IPD no.548993, in Gynae.Ward was shown to be operated for TAH (transabdominal Hysterectomy) on 11/4/2018. Operation notes are also written in case sheet. On examination by the assessor, no evidence of surgery was performed and the patient too admitted that no surgery was performed.
 - Pawan Nagar, aged 20 years, IPD No.54866 admitted for DNS (Deviated nasal septum) on 7/4/2018. And even after a week stay, no x-ray/CT to confirm the diagnosis>
 - Machindar, 62, IP No.549121, admitted on 9/4/2018 with shoulder pain and old deformity of hand. No investigations to confirm the diagnosis were done and the patient is being seen only by physiotherapist.
It was noticed that more than 30% of the cases in Orthopaedics ward were admitted for physiotherapy only.
 - Satish Sahu, aged 30 years IPNo.548740 admitted on 6/4/2018 with fracture inferior public Rami(L). No investigations to confirm the same was done.
 - In TB and CD ward, 5 patients (our of 23 admitted) were on Oral Anti TB medication with no other complications and which can be managed at home (Domiciliary treatment) as advocated by the Govt.
 - In Medicine wards many patients (23 patients out of 95, with IPD Nos 549573, 549399, 549401, 549434, 549674 (ward no 203), 549357, 549691, 548566, 549593, 549199, 549695, 549668, 549707 (ward 202), 546364, 543757, 548748, 549284, 544375 (ward no 204), 548518, 549058, 599457, 549653, 549441 (ward 208) with trivial complaints like bodyache, hypothyroidism (no symptoms), migrane, Hypertension (no symptoms) were admitted with only oral medications.
 - In Dermatology wards, more than 30% of the cases were admitted for chronic urticaria, vitiligo and with no symptoms. Most have been admitted for more than a week with no investigations done.
It was also noticed in the case sheets, that the entries and rounds are being done only by the Junior Residents. No signature or notes of any Unit chief or any faculty member was seen.
On cross verification during head count, the faculty members of the Medicine and Surgery departments did not even know the names f the Junior Residents and Senior Residents posted in their units.
8. On Random verification in Surgical and other wards patients with malignancy were still admitted. To quote a few:
 1. Phool Singh, aged 32 years IP No.54808, with left forearm sarcoma
 2. Basir Kha, 55 years IIP No.549497 admitted for Carcinoma Buccal Mucosa
 3. Jinduja aged 58 years, IP No.547172 admitted in TBCD ward on 23/4/18 with Oral cavity.
9. On several case sheets, entries are being made by Junior Residents. There is no note or signature of any faculty or Unit Chief.
10. RHTC: Cold Chain equipment are inadequate.
11. Other deficiencies as pointed out in the assessment report.

The Executive Committee noted that as the college had failed to comply with the stipulation/directives of the Supreme Court Mandated Oversight Committee, the Executive Committee had earlier recommended that the college should be debarred from admitting students in the above course for a period of two academic years i.e .

2017-18 & 2018-19 as even after giving an undertaking that they had fulfilled the entire infrastructure for recognition/approval of Sri Aurobindo Institute of Medical Sciences, Indore for the award of M.B.B.S. degree against the increased intake i.e. from 100 to 150 seats under Devi Ahilya Vishwavidyalaya, Indore u/s 11(2) of the IMC Act, 1956, the college was found to be grossly deficient. Thereafter, the Central Government vide its letter dated 24.07.2017 had directed the college authorities not to admit any student in the academic years 2017-18 & 2018-19 in MBBS course against increase intake from 100 to 150 seats.

The Executive Committee of the Council further decided to continue the application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II) dated 16th April, 2010 and amended on 18.03.2016 in view of the above mentioned deficiencies and also decided that the institute be asked to submit the compliance after rectification of the same within one month.

49. Maharaja Agrasen Medical College, Hisar, Agroha – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2018-19.

Read: the matter with regard to Maharaja Agrasen Medical College, Hisar, Agroha – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with previous assessment reports (06.03.2018 & 25th & 26th September, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 at Maharaja Agrasen Medical College, Hisar, Agroha under Pt .B.D .Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

50. Recognition/approval of North Bengal Medical College, Darjeeling, West Bengal for the award of MBBS degree granted by West Bengal University of Health Sciences, Kolkata against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of North Bengal Medical College, Darjeeling, West Bengal for the award of MBBS degree granted by West Bengal University of Health Sciences, Kolkata against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (11.04.2018) along with previous assessment reports (21st & 22nd February, 2018) and decided to recommend to the Central Government for recognition/approval of North Bengal Medical College, Darjeeling, West Bengal for the award of MBBS degree granted by West Bengal University of Health Sciences, Kolkata against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

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

8 (3) ...

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

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

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

Further, the Committee decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 to 150 seats at North Bengal Medical College, Darjeeling, West Bengal for the academic year 2018-2019.

51. Recognition/approval of Swami Ramanand Teerth Rural Govt. Medical College, Ambajogai for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Swami Ramanand Teerth Rural Govt. Medical College, Ambajogai for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (11.04.2018) along with previous assessment reports (8th & 9th February, 2018) and decided to recommend to the Central Government for recognition/approval of Swami Ramanand Teerth Rural Govt. Medical College, Ambajogai for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

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

8 (3) ...

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

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

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

Further, the Committee decided to recommend to the Central Government to renew the permission for admission of fresh batch of 50 to 100 seats at Swami Ramanand Teerth Rural Govt. Medical College, Ambajogai for the academic year 2018-2019.

52. Recognition/approval of Govt. Medical College, Akola for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Govt. Medical College, Akola for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with previous assessment report (8th & 9th February, 2018) and noted the following:-

1. Deficiency of faculty is 12.23 % as detailed in the report.
2. Shortage of Residents is 13.75 % as detailed in the report.
3. MRD: Statistician is not available.
4. Examination Hall: 1 Examination hall is available against requirement of 2.
5. Lecture Theaters: Hospital Lecture Theater is not of Gallery type.
6. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Govt. Medical College, Akola for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100-150 MBBS students at Govt. Medical College, Akola for the academic year 2018-2019.

53. Recognition/approval of GR Medical College, Gwalior for the award of MBBS degree granted by Jiwaji University, Gwalior against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of GR Medical College, Gwalior for the award of MBBS degree granted by Jiwaji University, Gwalior against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (3rd/4th April & 21st March, 2018) and noted the following:-

1. OPD attendance upto 2 p.m. on day of assessment was 1,044 against requirement of 1,200.
2. OPD: Registration counters are partially computerized.
3. Speech Therapy is not available.
4. CSSD: It is not available.
5. Central Research Laboratory is not available.
6. MRD: It is partially computerized. ICD X classification for indexing of diseases is partially followed.
7. Lecture Theaters: Capacity of Hospital Lecture Theater is 120 against requirement of 200.
8. Central Library: Capacity of Students' reading room (Inside) is 65 against requirement of 150. 95 Journals are available against requirement of 100.
9. Pathology department: Details of service laboratories are not provided.
10. RHTC: Boys' hostel is in rented premises away from the campus.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve GR Medical College, Gwalior for the award of MBBS degree granted by Jiwaji University, Gwalior against the increased intake i.e. from 140 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Principal Secretary & Commissioner, Medical Education, Govt. of Madhya Pradesh, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for

admission of fresh batch of 140-150 MBBS students at GR Medical College, Gwalior for the academic year 2018-2019.

54. Renewal of permission for MBBS course for 3rd batch (150 seats) of Doon Medical College, Dehradun–Dehradun, Uttarakhand under Hemwati Nandan Bahuguna Uttarakhand Medical Education University, Dehradun u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Doon Medical College, Dehradun–Dehradun, Uttarakhand under Hemwati Nandan Bahuguna Uttarakhand Medical Education University, Dehradun u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (17th April, 2018), previous assessment report (06th& 07th September, 2017) along with an undertaking of the Secretary, Medical Education, Government of Uttarakhand dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of Doon Medical College, Dehradun–Dehradun, Uttarakhand under Hemwati Nandan Bahuguna Uttarakhand Medical Education University, Dehradun u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

55. Renewal of permission for admission of 3rd batch of 150 MBBS students at Ananta Institute of Medical Sciences & Research Centre, Rajasthan under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students at Ananta Institute of Medical Sciences & Research Centre, Rajasthan under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (16th April, 2018) along with photographs/videography, previous assessment report (5th& 6th December, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (150 seats) of Ananta Institute of Medical Sciences & Research Centre, Rajasthan under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

56. Consideration of compliance verification assessment report with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Panjabrao Alias Bhausaheb Deshmukh Memorial Medical College, Amravati.

Read: the matter with regard to consideration of compliance verification assessment report with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Panjabrao Alias Bhausaheb Deshmukh Memorial Medical College, Amravati.

The Executive Committee of the Council considered the compliance verification assessment report (12th April, 2018) along with photographs/videography, previous assessment report (17th January, 2018, 14th July, 2017 and 29th February & 1st March, 2016) and decided to revoke the decision of application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.

The Executive Committee further recommended that recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of

students being trained at Dr.Panjabrao Alias Bhausaheb Deshmukh Memorial Medical College, Amravati be continued restricting the number of admission to 100 (One Hundred) students.

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

8 (3) ...

- (2) The recognition so granted to an Undergraduate Course for award of 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.

57. GSL Medical College, Rajamundry – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

Read: the matter with regard to GSL Medical College, Rajamundry – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 150-200 for the academic session 2018-19.

The Executive Committee of the Council noted that the Council appointed the assessors to carry out the assessment on 2nd April, 2018. The Committee noted that the Council office has received a letter dated 02.04.2018 from Dr. Pallavi Saple, (Coordinator), Miraj duly signed by all the assessors, stating therein as under:-

"In reference to the above mentioned subject, we wish to state that the inspection was refused by the Principal and hence was not conducted."

Further, the Executive Committee noted that the Council office has also received a letter dated 02.04.2018 from the Principal, GSL Medical College, Rajahmundry through the appointed team of Council assessors stating therein as under :-

"In reference to the above I am to state that GSL Medical College, Rajamahendravaram is participating on one day National strike called by Indian Medical Association in connection with national medical council amendments. As such the staff and the students of GSL Medical College have not turned up for their duties and the hospital is functioning with the skeletal staff. Under the circumstance I regret that I am unable to proceed with the compliance inspection today, the 2nd April, 2018. The assessment may held at some o the convenient day."

The Executive Committee was further informed by the Assessment Cell that assessments in the following medical colleges have taken place on the same day and none have denied getting the assessment done:-

1. Varunarjun Medical College & Rohilkhand Hospital, Shahjahanpur, UP
2. Mahaveer Institute of Medical Sciences & Research, Badwai, Bhopal
3. Shri Ramkrishna Instt. of Medical Sciences & Sanaka Hospt.Durgapur
4. Chettinad Hospital & Research Institute, Kanchipuram, TN

In view of denial of assessment by the college authorities, it is evident that the college is not compliant with MCI Regulations and therefore the Executive Committee of the Council decided to recommend to the Central Govt .not to renew the permission for admission of 5thBatch of MBBS students against the increased intake

i.e. from 150-200 at GSL Medical College, Rajamundry u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

58. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Saraswathi Institute of Medical Sciences, Hapur under Rajiv Gandhi University of Health Sciences, Bangalore.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Saraswathi Institute of Medical Sciences, Hapur under Rajiv Gandhi University of Health Sciences, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with photographs/videography, copy of letter dated 16.05.2017 received from CBI, Ghaziabad (U.P.) with anonymous complaint against the Saraswathi Institute of Medical Science, Ghaziabad and previous assessment reports (17th& 18th January, 2017) and decided to revoke the decision of application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010(Part II), dated 16th April, 2010.

59. Recognition/approval of Krishna Institute of Medical Sciences, Karad for the award of MBBS degree granted by Krishna Institute of Medical Sciences, (Deemed University) Karad against the increased intake i.e. from 150 to 200 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Krishna Institute of Medical Sciences, Karad for the award of MBBS degree granted by Krishna Institute of Medical Sciences, (Deemed University) Karad against the increased intake i.e. from 150 to 200 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (17.04.2018) along with Photographs/Videography, previous assessment reports (21.03.2018, 11th& 12th December, 2017 and 2nd& 3rd January, 2018), letter/representation dated 23.04.2018 from the Dean of the college and noted the following:-

1. Shortage of Residents is 6.25 % as detailed in the report.
2. OPD data as supplied by the Institute are unreliable & inflated. OPD registration upto 1 p.m. was 1,190. Even these data do not tally with computer generated data. In Psychiatry OPD number has jumped from 39 to 82 & then to 91.
3. Bed Occupancy & patients : Although bed occupancy figures are theoretically higher but there is a significant mix up in surgery and allied beds as 24 out of 165 patients are not to be counted in surgery and 26 patients out of 91 are not to be counted in Orthopedics. Seven OBG cases and 4 Post natal cases are lying in female beds of surgery while 6 postnatal cases are lying in female beds of orthopedics.

In one ENT ward having 19 out of 20 beds, there is one dental carries patients and as many as 12 cases are DNS which is unacceptable so 17 out of 29 patients of ENT are not to be counted. Besides there are 4 patients of dysphasia lying for long time without any relevant investigation and treatment as per case file. More than 20 patients are lying in surgical wards without any relevance of occupying the bed for long time i.e. either investigations or treatment. It seems that they have been retained in the ward just to make up the bed occupancy. Situation is no better in Orthopedics ward where 21 patients are without relevant investigations and treatment as per diagnosis mentioned on the case sheet. These cases include cervical spondylosis, back pain, lumbar spondylosis, neck pain, knee pain and even one patient was without case file. ENT admissions besides having large number of DNS cases

had case of nasal discharge, sinusitis and ear discharge without any proper work up and treatment. In Ophthalmology, in male wards out of 26 patients on 30 beds, as many as 17 were admitted as back as 4th April waiting for cataract surgery. Again it seems that they have been retained in the ward for making up the bed occupancy. In female ward out of 25 patients on 30 beds, almost all are waiting for surgery for cataract. They all do not appear to be natural admission. Only 2 post operative patients were seen in the entire ophthalmology ward.

So total patients to be counted in Surgery and allied are as follows:-

Surgery 141, Orthopedics-65, ENT-12, Eye-35, OBG 110, Total 363 out of 540 beds.

In Medicine and allied wards, the net genuine patients to be counted are as follows:

Medicine 119/201, Pediatrics-44/120, TB & Chest 17/30, Derma 15/30 and Psychiatry 5/15. Total 200 out of 405.

Grand total of beds occupied are 363+200 out of 540+405=563/945=59.570% is the actual bed occupancy of genuine and relevant patients.

4. O.T. lists: The OT list submitted is unreliable because of the following reasons:-
 - (a) There is one combined list of all departments including even casualty ward where procedure like Meshplasty are included. It is difficult to understand why this operation be performed from casualty ward.
 - (b) The combined list for all departments is not standard of care world over. Each deptt sends its list separately, it cannot be accepted.
 - (c) The round has been taken by the assessor from 10 am to 1230 and the operations shown in casualty ward are not seen in surgical ward as operated today.
 - (d) Random verification of lists kept in the file in OT with corresponding register of OT showed that list contained many more operations than what was entered in the register. This was true for the random dates on 15.12.17, 6.1.18 and 10.3.18.
 - (e) 10/12/17 happened to be Sunday and routine theatre does not run on that day. But a full list of operations was there in the file suggesting that the entries in the list are highly unreliable. They are made only to show numbers whereas actually so many operations are not done.
5. Data of Laboratory investigations submitted by the Institute are inflated.
6. Wards: In a female Surgical ward, out of 45 beds, 15 beds are earmarked for Neurosurgery. Institute is running M.Ch. course in Neurosurgery. Resultantly, for General Surgery, there are 195 beds available against requirement of 210.
7. Students' Hostels: One Boys' hostel is not within the campus which is not as per Regulations.
8. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Krishna Institute of Medical Sciences, Karad for the award of MBBS degree granted by Krishna Institute of Medical Sciences, (Deemed University) Karad against the increased intake i.e. from 150 to 200 seatsu/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee decided to recommend to the Central Government not to renew the permission for admission of fresh batch of 150-200 MBBS students at Krishna Institute of Medical Sciences, Karad for the academic year 2018-2019.

60. Recognition/approval of Indira Gandhi Government Medical College, Nagpur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Indira Gandhi Government Medical College, Nagpur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (17.04.2018) along with previous assessment reports (1st& 2nd February, 2018) and a copy of order dated 04.04.2018 passed by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur and noted the following:-

1. Deficiency of faculty is 14.28 % as detailed in the report.
2. 5 Static X-ray machines are available against requirement of 6.
3. Lecture Theater: 1 Lecture Theater is of flat type.
4. Central library: it is not air-conditioned.
5. Residential quarters for the faculty are not available in the campus.
6. Other deficiencies as pointed out in the assessment report.

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

Further the Committee considering the undertaking of Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 to 150 seats at Indira Gandhi Government Medical College, Nagpur for the academic year 2018-2019.

61. Recognition/approval of Govt. Medical College, Latur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Govt. Medical College, Latur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with previous assessment report (4th& 5th January, 2018) and noted the following:-

1. Audiologist & Speech therapist are not available.
2. Central Research Laboratory is not available.
3. Lecture Theaters: 3 Lecture Theaters are available against requirement of 4.
4. Central Library: Available books are 8,960 against requirement of 11,000. Available Internet Nodes are 10 against requirement of 40.
5. Interns' Hostel: It is not within the campus
6. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Govt. Medical

College, Latur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 to 150 seats at Govt. Medical College, Latur for the academic year 2018-2019.

62. Anti Retroviral Therapy (ART) Centre in Medical Colleges.

Read: the matter with regard to ART Centre in Medical Colleges.

The Executive Committee of the Council considered the letter dated 20.10.2017 from the Govt. of India, Ministry of Health & F.W. New Delhi with regard to "*Mandatory provision of ART centres in all Medical Colleges for MCI recognition*" and decided to place the same before the Academic Committee of the Council.

63. Recognition/approval of Vijayanagar Institute of Medical Sciences, Bellary, Karnataka for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Karnataka against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

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

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with previous assessment report (19th& 20th February, 2018) and noted the following:-

1. Shortage of Residents is 14.81 % as detailed in the report.
2. Bed Occupancy at 10 a.m. on day of assessment was 60 %.
3. Radiodiagnosis department: 3 Mobile X-ray machines are available against requirement of 6. 4 Static X-ray machines are available against requirement of 6 out of which 1 is out of order.
4. Other deficiencies as pointed out in the assessment report.

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

Further the Committee considering the undertaking of the Additional Chief Secretary, Medical Education, Health & Family Welfare Department, Government of Karnataka dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 to 150 seats at Vijayanagar Institute of Medical Sciences, Bellary, Karnataka for the academic year 2018-2019.

64. Recognition/approval of Anugrah Narayan Magadh Medical College, Gaya for the award of MBBS degree granted by Aryabhata Knowledge University, Patna against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

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

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with previous assessment report (26th& 27th February, 2018) and noted the following:-

1. Deficiency of faculty is 31 % as detailed in the report.
2. Dr. Sudhir K. Sinha, Medical Superintendent possesses only 3 years administrative experience against requirement of 10 years; hence not qualified to hold the post.
3. Shortage of Residents is 20.58 % as detailed in the report.
4. Most of Senior/Junior Residents are not staying in the campus.
5. Teaching beds available in Paediatrics are 45 against requirement of 60; hence there is deficit of 15 beds.
6. Bed Occupancy at 10 a.m. on day of assessment was 64 %.
7. There were only 3 Major Operations on day of assessment.
8. There was NIL Normal Delivery on day of assessment.
9. Paramedical & Non-teaching staff: 141 Paramedical & Non-teaching staff are available against requirement of 179.
10. Casualty: 18 beds are available against requirement of 20. Separate Casualty for O.G. is not available.
11. Central Clinical laboratory is under dual control of Pathology & Biochemistry which is not permissible.
12. Radiodiagnosis department: 2 Portable X-ray machines are available against requirement of 4. 4 Static X-ray machines are available against requirement of 5. 2 USG machines are available against requirement of 3.
13. CT Scan is 6 slice against requirement of minimum 16 slice.
14. Pharmacy: It is not available.
15. Central Research Laboratory: it is not available.
16. MRD: It is manual. ICD X classification for indexing of diseases is not followed.
17. Examination Hall: It is not available.
18. Lecture Theaters: Only 2 Lecture Theaters are fully functional against requirement of 4; 1 Lecture Theater is without Audiovisual aids. Hospital lecture Theater is not available.
19. Central Library: Capacity of Students' reading room (Outside) & Students' Reading room (Inside) is 50 & 70 respectively against requirement of 100 each. There are no Internet Nodes. It is not air-conditioned. There is no Librarian.
20. Central Photography section is not available.
21. Pathology department: Catalogues are not available in the Museum.
22. Microbiology department: Museum is not available.
23. Pharmacology department: Demonstration room is not available.
24. Forensic Medicine department: Demonstration room is not available.
25. Community Medicine department: Demonstration room & Museum are shown in the same room. Catalogues are not available.
26. Common Rooms for Boys & Girls are not available.
27. RHTC: Residential accommodation is inadequate.
28. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Anugrah Narayan Magadh Medical College, Gaya for the award of MBBS degree granted by Aryabhata Knowledge University, Patna against the increased intake i.e. from 50 to 100

seats/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee decided to recommend to the Central Government not to renew the permission for admission of fresh batch of 50 to 100 seats at Anugrah Narayan Magadh Medical College, Gaya for the academic year 2018-2019.

65. Mata Gujri Memorial Medical College, Kishanganj– Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2018-19.

Read: the matter with regard to Mata Gujri Memorial Medical College, Kishanganj– Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (17.04.2018) along with Photographs/Videography, previous assessment reports (06.03.2018, 12th & 13th October, 2017) 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 60-100 in respect of Mata Gujri Memorial Medical College, Kishanganj under B.N. Mandal University, Madhepura, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

66. Recognition/Approval of Govt. Medical College & Super Speciality Hospital, Azamgarh, Uttar Pradesh for the award of MBBS degree (100 seats) granted by King George's Medical University, Lucknow u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Govt. Medical College & Super Speciality Hospital, Azamgarh, Uttar Pradesh for the award of MBBS degree (100 seats) granted by King George's Medical University, Lucknow u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16th April, 2018) along with previous assessment report (26th & 27th February, 2018) and noted the following:-

1. Deficiency of faculty is 54.71 % as detailed in the report.
2. Shortage of Residents is 27.41 % on day of assessment.
3. Bed Occupancy at 10 a.m. on day of assessment was 18.93 %.
4. There was NIL Major Operation on day of assessment.
5. Histopathology workload was 2 & Cytopathology workload was 4 on day of assessment.
6. Nursing staff: 172 Nursing staff are available against 247 required.
7. Paramedical & Non-teaching staff: 120 Paramedical & Non-teaching staff are available against 179 required.
8. Casualty: No CMO was present at time of visit.
9. ICUs: There was NIL patient in NICU, PICU, SICU & only 1 patient each in ICCU, MICU.
10. Radiodiagnosis department: 2 Mobile X-ray machines are available against 4 required. 3 Static X-ray machines are available against 5 required.
11. Examination hall: Capacity of available Examination Hall is 120 against requirement of 250.
12. Lecture Theaters: 3 Lecture Theaters of capacity 108 each are available against requirement of 4 of capacity 120 each. Even out of these, 1 Lecture Theater is not of Gallery type. Hospital lecture theater is not of Gallery type.
13. Central library: 5,783 books are available against requirement of 7,000.
14. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Govt. Medical College & Super Speciality Hospital, Azamgarh, Uttar Pradesh for the award of MBBS degree (100 seats) granted by King George's Medical University, Lucknow u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee decided to recommend to the Central Government not to renew the permission for admission of fresh batch of 100 MBBS seats at Govt. Medical College & Super Speciality Hospital, Azamgarh, Uttar Pradesh for the academic year 2018-2019.

67. Renewal of permission for MBBS course for 4th batch (100 seats) of Govt. Medical College (Shaikh-UI-Hind-Maulana Mahmood Hasan Medical College), Saharanpur, Uttar Pradesh under Ch. Charan Singh University, Meerut u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (100 seats) of Govt. Medical College (Shaikh-UI-Hind-Maulana Mahmood Hasan Medical College), Saharanpur, Uttar Pradesh under Ch. Charan Singh University, Meerut u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (19th April, 2018) along with previous assessment report (6th & 7th September, 2017) and noted the following:-

1. Deficiency of faculty is 45.36 % as detailed in the report.
2. In Physiology department, > 33.33 % of faculty is non-medical which is contrary to Regulations.
3. In Biochemistry department, > 50 % of faculty is non-medical which is contrary to Regulations.
4. Shortage of Residents is 27.77 % on day of assessment.
5. Bed Occupancy at 10 a.m. on day of assessment was 21.57 %.
6. Histopathology workload was 3 on day of assessment.
7. Nursing staff: 98 Nursing staff are available against 179 required.
8. Paramedical & Non-teaching staff: 120 Paramedical & Non-teaching staff are available against 179 required.
9. ICUs: NICU is not available.
10. 2 Static X-ray machines are available against requirement of 4.
11. CT Scan is not available.
12. Central Research Laboratory is not functional.
13. Central Library: 3,642 books are available against requirement of 4,000. NIL New Journal is available.
14. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt .not to renew the permission for admission of 4th batch of 100 MBBS students at Govt. Medical College (Shaikh-UI-Hind-Maulana Mahmood Hasan Medical College), Saharanpur, Uttar Pradesh under Ch. Charan Singh University, Meerutu/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

68. Recognition/approval of Rajarshee Chhatrapati Shahu Maharaj Govt. Medical College, Kolhapur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Rajarshee Chhatrapati Shahu Maharaj Govt. Medical College, Kolhapur for the award of MBBS degree

granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with previous assessment report (8th & 9th February, 2018) and noted the following:-

1. Teaching beds: There is deficit of 26 beds in Paediatrics as 64 beds are available against requirement of 90 beds.
2. Deficiency of faculty is 10.6 % as detailed in the report.
3. Bed Occupancy at 10 a.m. on day of assessment is 67 %.
4. OPD: Registration counters are not computerized. Examination rooms, Teaching areas are inadequate. Injection room is common for males/females. Dressing room is common for males/females. Enquiry Desk is not available.
5. Speech therapy is not available.
6. Radiodiagnosis department: 4 Static X-ray machines are available against requirement of 6. 1 USG is available against requirement of 3.
7. Lecture Theater: Only 1 Lecture Theater of capacity 240 is available against requirement of 4 of capacity 180 each. Capacity of Hospital Lecture Theater is 120 against requirement of 200. It is not of Gallery type. Audiovisual aids are not available.
8. Central Library: It is not air-conditioned. Available area is 1,603 sq.m. against requirement of 2,400 sq.m. Students' Reading room (Outside) is not available. Capacity of Staff Reading room is 12 against requirement of 30.
9. Students' Hostels: Visitors' room, A.C. Study room with Computer & Internet, Recreation room are not available.
10. Common Rooms for Boys & Girls are smaller than required.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Rajarshee Chhatrapati Shahu Maharaj Govt. Medical College, Kolhapur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Secretary, Medical Education & Drugs Department, Govt. of Maharashtra, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 to 150 MBBS seats at Rajarshee Chhatrapati Shahu Maharaj Govt. Medical College, Kolhapur for the academic year 2018-2019.

69. Recognition/approval of Shri Krishna Medical College, Muzaffarpur for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

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

The Executive Committee of the Council considered the compliance verification assessment report (17.04.2018) along with previous assessment report (19th & 20th February, 2018) and noted the following:-

1. Deficiency of faculty is 20.35 % as detailed in the report.
2. Shortage of Residents is 32.25 % on day of assessment.

3. OPD: All major departments have 2 Examination rooms against 4 required. Child Welfare clinic in Paediatrics OPD is not functional. Cancer Detection clinic is not available in OG OPD.
4. Audiometry is not in use. Audiologist & Speech therapist are not available.
5. Wards: Demonstration rooms are not available in many wards. Pantry is not available in any ward.
6. Casualty: Separate Casualty for O.G. is not available. Disaster Trolley is not available. Resuscitation equipment are inadequate.
7. Radiodiagnosis department: 4 Static X-ray machines are available against requirement of 5. 2 USG machines are available against requirement of 3.
8. CT Scan is still not functional.
9. ETO Sterilizer is not available.
10. Central research Laboratory is not available.
11. MRD: It is manual. ICD X classification for indexing of diseases is not followed.
12. Examination Hall: Capacity of available Examination Hall is 125 against requirement of 250.
13. Lecture Theaters: Hospital Lecture Theater is not available.
14. Students' Hostels: Visitors' room, A.C. Study room with Computer & Internet, Recreation room are not available.
15. Common Room for Girls does not have any furniture.
16. RHTC: Residential accommodation is not available. No register is available except Immunization register.
17. UHC: It is actually a District Hospital. There is no population coverage. Public health related community based activities are not carried out. Specialists' visits are not organized.
18. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Shri Krishna Medical College, Muzaffarpur for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Principal Secretary, Health, Govt. of Bihar, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 50 to 100 MBBS seats at Shri Krishna Medical College, Muzaffarpur for the academic year 2018-2019.

70. Increase of seats in MBBS course from 150 to 250 at Government Medical College, Surat u/s 10A of the IMC Act, 1956 for the academic year 2018-19 and Continuation of Recognition of (150 MBBS Seats).

Read: the matter with regard to increase of seats in MBBS course from 150 to 250 at Government Medical College, Surat u/s 10A of the IMC Act, 1956 for the academic year 2018-19 and Continuation of Recognition of (150 MBBS Seats).

The Executive Committee of the Council considered the compliance verification assessment report (12th & 13th April, 2018) along with previous assessment report (11th & 12th December, 2017) and decided to recommend to the Central Govt. to grant Letter of Permission for increase of seats from 150 to 250 u/s 10A of the IMC Act, 1956 in respect of Government Medical College, Surat under Veer Narmad South Gujarat University, Surat for the academic year 2018-2019 as well as continuance of recognition of 150 MBBS seats at Government Medical College, Surat.

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

8 (3) ...

- (2) The recognition so granted to an Undergraduate Course for award of 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.

71. Recognition/approval of Kempegowda Institute of Medical Sciences, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 120 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Kempegowda Institute of Medical Sciences, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 120 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16.04.2018) along with Photographs/Videography, previous assessment reports (06.03.2018, 11.10.2017 & 12.10.2017, 21.04.2017 & 16th & 17th March, 2017) and decided to recommend to the Central Government for recognition/approval of Kempegowda Institute of Medical Sciences, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 120 to 150 seats u/s 11(2) of the IMC Act, 1956.

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

8 (3) ...

- (2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.
- (3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.
- (4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute.

72. St. John's Medical College, Bangalore – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 60-150 for the academic session 2018-19.

Read: the matter with regard to St. John's Medical College, Bangalore – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 60-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (20.04.2018) along with previous assessment reports (09.04.2018, 28.12.2017 and 28th & 29th August, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 60-150 in respect of St. John's Medical College, Bangalore, under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

73. Recognition/Approval of Madha Medical College and Hospital, Thandalam, Chennai, Tamilnadu 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 Madha Medical College and Hospital, Thandalam, Chennai, Tamilnadu 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 compliance verification assessment report (20th April, 2018) alongwith Photographs/Videography, previous assessment report(11th & 12th December, 2017) and decided to revoke the decision of application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and also recommend to the Central Government to confirm the notification No.U.12012/33/2016-ME.I dated 08/09/2016 for recognition/approval of Madha Medical College and Hospital, Thandalam, Chennai, Tamilnadu 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 also decided to continue clause 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999 as applied earlier by the Executive Committee at its meeting held on 4.1.2018 and the minutes of which were approved by the Oversight Committee vide its communication dated 09.02.2018.

In view of above, the Executive Committee decided to recommend to the Central Government not to permit admission of fresh batch of 150 MBBS students at Madha Medical College and Hospital, Thandalam, Chennai, Tamilnadu for the academic year 2018-2019 and 2019-20.

74. Recognition/Approval of Malla Reddy Institute of Medical Sciences, Hyderabad for the award of MBBS degree (150 seats) granted by N.T.R. University of Health Sciences, Vijayawada u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Malla Reddy Institute of Medical Sciences, Hyderabad for the award of MBBS degree (150 seats) granted by N.T.R. University of Health Sciences, Vijayawada u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (19th April, 2018) along with Photographs/Videography, previous assessment report (6th& 7th December, 2017) and noted the following:-

1. Shortage of Residents is 17.7 % as detailed in the report.
2. Bed Occupancy at 10 a.m. on day of assessment is 72.9 %.
3. Patients:-
 - (i) In the female medical ward I, patient K. Meghana admitted for GTCS since 4 years on treatment. No episodes of convulsions in past one year. No other complaints reported by the patient either related to disease or medication.
 - (ii) In the Dermatology Male ward, patients admitted on 19.4.2018 morning suffering from lichen planus, tinea capitis, pityriasis rosea. These patients has no other complaints that merit admission.
 - (iii) In the paediatrics ward, patient named Praveen admitted on 18.4.2018 was prescribed injectables and oral medicines. However, no medicine was being administered (as per talk with the patient). No attendant/personal belongings of the patients were found.
 - (iv) In female surgery ward, B. Lakhya Sri aged 35 years admitted in female surgery with Colitis which were not significant for surgical management.

2-3 female patients were admitted for only backache without any significant findings on CT.

4. Histopathology workload was only 3 on day of assessment.
5. RHTC: Records are not supervised/countersigned by the faculty at RHTC.
6. UHC: Records are not supervised/countersigned by the faculty at RHTC.
7. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010(Part II), dated 16th April, 2010 and amended on 18th March, 2016, which reads as under:-

8(3)(1).....

- (c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic year and further such an institute will not be considered for processing applications for postgraduate courses in that Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted postgraduate courses.”

It was also decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2019-20) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

The Executive Committee further decided to continue clause 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999 as applied earlier by the Executive Committee at its meeting held on 4.1.2018 and the minutes of which were approved by the Oversight Committee vide its communication dated 09.02.2018.

Accordingly, the Executive Committee decided to recommend to the Central Government not to permit admission of fresh batch of 150 MBBS students at Malla Reddy Institute of Medical Sciences, Hyderabad for the academic year 2018-2019 and 2019-20.

75. Recognition/Approval of Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar for the award of MBBS degree (100 seats) granted by Aryabhatta Knowledge University, Patna u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar for the award of MBBS degree (100 seats) granted by Aryabhatta Knowledge University, Patna u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (16th April, 2018) along with previous assessment report (21st& 22nd February, 2018) and noted the following:-

1. Deficiency of faculty is 39.60 % as detailed in the report.
2. Bed Occupancy at 10 a.m. on day of assessment is 28.72 %.
3. There were only 8 Major & 2 Minor Operations for the whole hospital on day of assessment.
4. Nursing staff: 73 Nursing staff are available against requirement of 247.
5. Paramedical & Non-teaching staff: 32 Paramedical & Non-teaching staff are available against requirement of 179.
6. CT Scan is not available.
7. Histopathology workload was only 1 & Cytopathology workload was NIL on day of assessment.
8. Casualty: Only 1 CMO is posted.
9. O.T.s: Only 2 Major O.T.s are functional against requirement of 7.
10. Radiodiagnosis department: 1 Static X-ray machine is available against requirement of 5. 2 Mobile X-ray machine is available against requirement of 4. NIL USG is available.
11. CSSD: It is outsourced.
12. Central Library: 4,400 books are available against requirement of 7,000. 81 Journals are available against requirement of 100.
13. Anatomy department: 96 Lockers are available against requirement of 100.
14. UHC: Specialists' visits are not organized.
15. RHTC: Specialists' visits are not organized.
16. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar for the award of MBBS degree (100 seats) granted by Aryabhatta Knowledge University, Patna u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee decided to recommend to the Central Government not to renew the permission for admission of fresh batch of 100 MBBS seats at Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar for the academic year 2018-2019.

76. **Establishment of new medical college at Kolkata (Jagannath Gupta Institute of Medical Sciences & Hospital, Kolkata, West Bengal) by Urmila Devi Jagannath Gupta Charitable Trust, Kolkata, West Bengal with an annual intake of 150 MBBS students under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.**

Read: the matter with regard to establishment of new medical college at Kolkata (Jagannath Gupta Institute of Medical Sciences & Hospital, Kolkata, West Bengal) by Urmila Devi Jagannath Gupta Charitable Trust, Kolkata, West Bengal with an annual intake of 150 MBBS students under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (19th February, 2018) along with previous assessment report (12th& 13th October, 2017) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Kolkata (Jagannath Gupta Institute of Medical Sciences & Hospital, Kolkata, West Bengal) by Urmila Devi Jagannath Gupta Charitable Trust, Kolkata, West Bengal with an annual

intake of 150 MBBS students under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

77. Renewal of permission for MBBS course for 3rd batch (150 seats) of Maheshwara Medical College & Hospital, Patancheru, Medak, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Maheshwara Medical College & Hospital, Patancheru, Medak, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the compliance verification assessment report (23rd January, 2018) alongwith Photographs/Videography, previous assessment report (11th& 12th September, 2017, letter dated 23/01/2018 received from the college authorities and noted the following:-

1. Shortage of Residents is 6.1% as detailed in the report.
2. OPD attendance upto 2 p.m. on day of assessment was 738 against requirement of 750.
3. ICUs: There were only 2 patients in ICCU on day of assessment.
4. Cytopathology workload on day of assessment is only 2.
5. CT Scan workload is only 3 on day of assessment.
6. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch of 150 MBBS students at Maheshwara Medical College & Hospital, Patancheru, Medak, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

78. Establishment of new medical college at Hamirpur, Himachal Pradesh (Dr. Radhakrishnan Government Medical College, Hamirpur, Himachal Pradesh) by Government of Himachal Pradesh with an annual intake of 100 MBBS students under H.P. University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Hamirpur, Himachal Pradesh (Dr. Radhakrishnan Government Medical College, Hamirpur, Himachal Pradesh) by Government of Himachal Pradesh with an annual intake of 100 MBBS students under H.P. University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (20th April, 2018), previous assessment report (21st& 22nd November, 2017), letter/representation dated 21.04.2018 received from the college authorities, letter dated 23.04.2018 from the Principal Secretary (Health), Government of Himachal Pradesh (Dr. Radhakrishnan Government Medical College, Hamirpur, Himachal Pradesh) along with an undertaking of the Principal Secretary, Health, Government of Himachal Pradesh dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Hamirpur, Himachal Pradesh (Dr. Radhakrishnan Government Medical College, Hamirpur, Himachal Pradesh) by Government of Himachal Pradesh with an annual intake of 100 MBBS students under H.P. University, Shimla u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

79. Recognition/approval of Hi-Tech Medical College & Hospital, Rourkela, Odisha for the award of MBBS degree(100 seats) granted by Sambalpur University, Sambalpur, Odisha u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Hi-Tech Medical College & Hospital, Rourkela, Odisha for the award of MBBS degree(100 seats) granted by Sambalpur University, Sambalpur, Odisha u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (19th April, 2018) alongwith Photographs/Videography, previous assessment report(17th January, 2018 and 12th& 13thJuly, 2017)and decided to recommend to the Central Government for recognition/approval of Hi-Tech Medical College & Hospital, Rourkela, Odisha for the award of MBBS degree(100 seats) granted by Sambalpur University, Sambalpur, Odishau/s 11(2) of the IMC Act, 1956.

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

8 (3) ...

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

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

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

The Executive Committee, however, noted that as the college had failed to comply with the stipulation/directives of the Supreme Court Mandated Oversight Committee,the Executive Committee had earlier recommended that the college should be debarred from admitting students in the above course for a period of two academic years i.e .2017-18 & 2018-19 as even after giving an undertaking that they had fulfilled the entire infrastructure for renewal of 5th batch of MBBS students at Hi-Tech Medical College & Hospital, Rourkela, Odisha u/s 10(A) of the IMC Act, 1956, the college was found to be grossly deficient .Thereafter, the Central Government vide its letter dated 31.05.2017 had directed the college authorities not to admit any student in the academic years 2017-18 & 2018-19 in MBBS course.

The Executive Committee also decided to continue the application of clause 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999 as applied earlier by the Executive Committee at its meeting held on 16.03.2017 for the academic year 2017-18 & 2018-19 and approved by the Oversight Committee.

In view of above, the Executive Committee decided to recommend to the Central Government not to permit admission of fresh batch of 150 MBBS students at Hi-Tech Medical College & Hospital, Rourkela, Odisha for the academic year 2018-2019.

80. Recognition/Approval of Rajkiya Medical College, Jalaun, Orai, Uttar Pradesh for the award of MBBS degree (100 seats) granted by King George's Medical University, Lucknow u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Rajkiya Medical College, Jalaun, Orai, Uttar Pradesh for the award of MBBS degree (100 seats) granted by King George's Medical University, Lucknow u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (20th April, 2018) along with previous assessment report (22nd& 23rd February, 2018) and noted the following:-

1. Deficiency of faculty is 30.18 % as detailed in the report.
2. Dr. Raj K. Singh, Medical Superintendent possesses 6 years administrative experience against requirement of 10 years; hence not qualified to hold the post.
3. Shortage of Residents is 20.96 % as detailed in the report.
4. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
5. There were only 5 Major Operations for the whole hospital on day of assessment.
6. Nursing staff: 89 Nursing staff are available against requirement of 247.
7. Paramedical & Non-teaching staff: 25 Paramedical & Non-teaching staff are available against requirement of 179.
8. CT Scan is not available.
9. ICUs: PICU has 4 beds against requirement of 5. There was NIL patient in SICU & 2 patients each in MICU, NICU on day of assessment.
10. 2 USG machines are available against requirement of 5.
11. MRD: It is partially computerized. ICD X classification of Diseases is not followed for indexing of diseases.
12. Central library: Internet Nodes are not available.
13. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Rajkiya Medical College, Jalaun, Orai, Uttar Pradesh for the award of MBBS degree (100 seats) granted by King George's Medical University, Lucknow u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee decided to recommend to the Central Government not to renew the permission for admission of fresh batch of 100 MBBS seats at Rajkiya Medical College, Jalaun, Orai, Uttar Pradesh for the academic year 2018-2019.

81. Establishment of New Medical College at Bharatpur, Rajasthan (Government Medical College, Bharatpur) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Bharatpur, Rajasthan (Government Medical College, Bharatpur) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (21st April, 2018), previous assessment report (7th & 8th November, 2017) along with an undertaking of the Principal Secretary, Medical Education, Government of Rajasthan dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Bharatpur, Rajasthan (Government Medical College, Bharatpur) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

82. Maharashtra Institute of Medical Sciences and Research, Latur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Maharashtra Institute of Medical Sciences and Research, Latur – Renewal of Permission for admission of 3rd Batch of MBBS

students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (19.04.2018) along with previous assessment reports (09.04.2018, 16.01.2018 and 28th& 29th August, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 100-150 in respect of Maharashtra Institute of Medical Sciences and Research, Latur under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

83. Maharashtra Institute of Medical Education and Research, Talegaon, Pune – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

Read: the matter with regard to Maharashtra Institute of Medical Education and Research, Talegaon, Pune – Renewal of Permission for admission of 5th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (19.04.2018) along with previous assessment reports (09.04.2018, 09.01.2018 and 28th& 29th August, 2017) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 100-150 in respect of Maharashtra Institute of Medical Education & Research, Talegaon, Pune under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

84. Recognition/approval of Darbhanga Medical College, Leheriasarai, Bihar for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 90 to 100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Darbhanga Medical College, Leheriasarai, Bihar for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 90 to 100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (19.04.2018) along with previous assessment reports (19th& 20th February, 2018) and noted the following:-

1. Deficiency of faculty is 11.02 % as detailed in the report.
2. Dr. S.K. Mishra, Medical Superintendent possesses only 5 ½ years administrative experience against requirement of 10 years; hence not qualified to hold the post.
3. OPD: Waiting area is inadequate. None of the departments has 4 Examination required. Plaster room is common with Plaster Cutting room. Enquiry Desk is not available. Child Rehabilitation clinic is not available in Paediatrics OPD. Cancer Detection clinic is not available in OG OPD.
4. Wards: Some wards do not have Demonstration Rooms.
5. Casualty: Resuscitation equipment are inadequate.
6. Radiodiagnosis department: 2 Mobile X-ray machines are available against requirement of 4. 3 Static X-ray machines are available against requirement of 5. AERB approval is not available.
7. CT Scan is under PPP mode.
8. ETO Sterilizer is not available.
9. Central Photography section is not available.

10. RHTC: Cold chain equipment are not available.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Darbhanga Medical College, Leheriasarai, Bihar for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 90 to 100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Principal Secretary, Health, Govt. of Bihar, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 90 to 100 MBBS students at Darbhanga Medical College, Leheriasarai, Bihar for the academic year 2018-2019.

85. Recognition/approval of Patna Medical College, Patna for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

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

The Executive Committee of the Council considered the compliance verification assessment report (20.04.2018) along with previous assessment reports (19th& 20th February, 2018) and noted the following:-

1. Dr. Deepak Tandon, Medical Superintendent possesses only 9 years administrative experience against requirement of 10 years; hence not qualified to hold the post.
2. 5 Static X-ray machines are available against requirement of 6. IITV is not available.
3. Examination Hall: There is no separate Examination Hall.
4. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognise/approve Patna Medical College, Patna for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of Principal Secretary, Health, Govt. of Bihar, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 100 to 150 seats at Patna Medical College, Patna for the academic year 2018-2019.

86. Recognition/approval of Jawaharlal Nehru Medical College, Bhagalpur for the award of MBBS degree granted by Aryabhatta Knowledge University, Patna against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Jawaharlal Nehru Medical College, Bhagalpur for the award of MBBS degree granted by Aryabhatta

Knowledge University, Patna against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the compliance verification assessment report (20.04.2018) along with previous assessment reports (20th& 21stFebruary, 2018) and noted the following:-

1. Deficiency of faculty is 19.16 % as detailed in the report.
2. Workload of Histopathology was 2 & that of Cytopathology was 1 on day of assessment.
3. IITV is not available.
4. Central Library: Available area is 465 sq.m. against requirement of 1,600 sq.m. Capacity of Students' Reading room (Outside) & Students' reading room (Inside) is 50 & 75 respectively against requirement of 100 each.
5. Forensic Medicine department: Capacity of Demonstration room is 15 which is less than required.
6. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Jawaharlal Nehru Medical College, Bhagalpur for the award of MBBS degree granted by Aryabhata Knowledge University, Patna against the increased intake i.e. from 50 to 100 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Committee considering the undertaking of the Principal Secretary, Health, Govt. of Bihar, dated 26.04.2018 decided to recommend to the Central Government to renew the permission for admission of fresh batch of 50 to 100 MBBS students at Jawaharlal Nehru Medical College, Bhagalpur for the academic year 2018-2019.

87. Assessment of the physical and the other teaching facilities available for recognition/approval of Kannur Medical College, Kannur under Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree against the increased intake i.e. from 100 to 150 seats.

Read: the matter with regard to assessment of the physical and the other teaching facilities available for recognition/approval of Kannur Medical College, Kannur under Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree against the increased intake i.e. from 100 to 150 seats.

The Executive Committee of the Council considered the assessment report (18/19.04.2018) along with Photographs/Videography and decided to recommend to the Central Government for recognition/approval of Kannur Medical College, Kannur for the award of MBBS degree granted by Kerala University of Health Sciences, Thrissur against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

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

8 (3) ...

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

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

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

88. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Pondicherry Institute of Medical Sciences, Puducherry under Pondicherry University, Puducherry.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Pondicherry Institute of Medical Sciences, Puducherry under Pondicherry University, Puducherry.

The Executive Committee of the Council considered the compliance verification assessment report (23.04.2018) along with photographs/videography, previous assessment reports (01.02.2018, 21st& 22nd August, 2017) and decided to revoke the decision of application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.

89. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Subharti Medical College, Meerut under Swami Vivekanand Subharti University, Meerut.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats (Show Cause) at Subharti Medical College, Meerut under Swami Vivekanand Subharti University, Meerut.

The Executive Committee of the Council considered the compliance verification assessment report (23.04.2018) along with previous assessment reports (11.10.2017 & 12.10.2017) and noted the following:

1. Shortage of Residents is 19.40 % as detailed in the report.
2. On verification, it was observed that about 50% of Senior Residents were not residing in their hostels. Assessors waited in Residents' hostel for more than 1½ hour for Residents to come and show their rooms. They were repeatedly called by respective wardens. Some, whose names are shown below, were found to be not residing in hostel as evidenced by videographic evidence of no clothes in cupboards, no toiletories in bathrooms, no lights in rooms, unusable toilets, etc:-
 1. Dr. Ravinder Singh, SR Ortho, Room No. 509
 2. Dr. Dhyanesh SR in Medicine, Room No. 312
 3. Dr. Dhutiman, SR in Medicine, Room No. 601
 4. Dr. Naveen Tyagi, SR in DVL, Room No. 309
 5. Dr. Priyanka Tiwari, SR in Surgery, Room No. 4
 6. Dr. Akansha, SR in Opthal., Room No.7
 7. Dr. Himani Goyal, SR in OBGY, Room No.12
3. Deficiency of faculty is 5.38 % as detailed in the report.
4. OPD: Several patients were enrolled in more than one department. E.g. Patient named Sorab s/o Bhupendra Singh was enrolled with OPD No. 180413300361 in Paediatric OPD & with No. 1804230322 in Medicine OPD, implying duplication of data & inflated numbers.
5. Bed Occupancy at 10 a.m. on day of assessment of genuine patients was 45%.

6. On random verification, it was observed that about 40 % of the patients did not merit admission and seemed non-genuine.
7. Patients: Bed occupancy grossly was observed to be 85% (computed for 570 beds) as signed by nursing staff. However, on random verification of patients in all wards, it was seen that about 40% of patients did not merit admission and seemed non genuine. Hence actual net bed occupancy was 45% on the day of assessment. Examples of few such cases which were randomly verified are mentioned below:
 - Patient named Ramgopal in Ophthalmology Ward IP No. 180420047 in the case sheet, it was mentioned as operated. But on verification it was found that no surgery was done.
 - Patient named Hazra IP No. 1804417047 admitted with fibroid uterus on 17th April but till now no USG was done.
 - Hemsingh IP No. 18040401461 with fracture Rt leg was admitted in Surgical Ward, it was noticed that in Male Surgical ward 3 most of the patients were Orthopedic cases.
 - Poonam OBGY ward IP No. 18041900690 admitted with P2 L2 with post abortal sepsis but on verification patient had normal delivery and claims to be admitted 10 days back whereas date of admission on case record mentions 19th April.
 - In ENT wards patients with trivial complaints like earache and uncomplicated CSOM and vertigvo have been admitted for more than 1 week.
 - In Gynae ward most of case sheets have been written as being admitted with either threatened abortion, irregular menses or PID but on verification no such symptoms were mentioned by the patients and the patients were asymptomatic.
 - In certain wards like ENT and Gynecology patients were allowed to go on leave thereby suggesting that patients were coming in the morning and going home in evening.
 - In Medicine ward patient named Rajaram IP No. 180422020 was admitted for peptic ulcer disease and OA knee but on asking the patient he just complained of mild rt leg pain.
 - In Medicine ward, patient Ashok with IP No. 180422018 was admitted for? Pulmonary Kochs with history of blood stained sputum and fever for 1 month. The patient on asking repeatedly complained of only dry cough for 2 to 3 days only.
 - In Medicine ward patient named Bhupender IP No. 180422016 admitted with C/O ghabrahat and backache. On verifying he had complain of mild occasional backpain.
 - In Skin ward patient Mr. Bablu IP No. 180417017 was admitted with Tinea for the past 1 week such a case does not merit admission.
 - In Skin ward patient Sachin IP No. 18041601547 admitted with scabies for more than one week and no complaints.
 - Patient Jagdish IP No. 18042200074 admitted with complaints of burning micturition, diagnosis of UTI, patient had no such complaints.
 - In Medicine female ward patient Jyotimaa Singh was admitted with all orthopedic complaints.
 - In Pediatric ward many patients were admitted for trivial illness.
 - Patient Shalini IP No. 180418012 admitted in pediatric ward since 6 days with complaints of Abdominal pain. However, no USG or other investigations done. On asking resident it was told that investigations were not done as she did not have money to pay. In female medicine ward patient Aruna was lying on bed had no complaints and case papers were not found. Many such cases were seen in other wards also.
8. In spite of repeated requests, data of births sent to the Government for registration of births was not provided to the assessors.
9. Workload of Antenatal USG as verified by assessors was only 3 till 1:30 p.m.

10. Samples of only 177 patients were received in Central Laboratory till 2 p.m. on day of assessment.
11. O.T.: Defibrillator was not available.
12. ICUs: The patients admitted in ICCU did not merit admission in ICCU. E.g. Patient named Gopal (IP # 180420100) was shown as having implanted coronary stent but no such notes/angiography report was seen in case sheet.
13. MRD: There is gross mismatch between computerized & manual data as detailed in the report.
14. Other deficiencies as pointed out in the assessment report.

The Executive Committee noted that as the college had failed to comply with the stipulation/directives of the Supreme Court Mandated Oversight Committee, the Executive Committee had earlier recommended that the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they had fulfilled the entire infrastructure for recognition/approval of Subharti Medical College, Meerut for the award of MBBS degree granted by Swami Vivekanand Subharti University, Meerut against increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956, the college was found to be grossly deficient. Thereafter, the Central Government vide its letter dated 31.05.2017 had directed the college authorities not to admit any student in the academic years 2017-18 & 2018-19 in MBBS course against increase intake from 100 to 150 seats.

The Executive Committee of the Council further decided to continue the application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II) dated 16th April, 2010 and amended on 18.03.2016 in view of the above mentioned deficiencies and also decided that the institute be asked to submit the compliance after rectification of the same within one month.

The Committee also decided to issue a show cause notice as to why the recommendations for invoking *clause 8(3)(1)(d) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010* be not made in view of the fake information provided by the college authorities to the Council Assessors. The said clause reads as under:-

8(3)(1)(d):

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, such an institute will not be considered for renewal of permission / 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.....”

The Executive Committee of the Council further decided to refer the matter to the Ethics Committee of the Council and directed the college not to admit fresh batch of students for two academic years i.e. 2017-2018 and 2018-2019.

90. Recognition/approval of Al-Ameen Medical College & Hospital, Bijapur, Karnataka for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

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

The Executive Committee of the Council observed that the Hon'ble Supreme Court vide order dated 09.10.2017, passed in W.P (C) No. 423/2017- N.C. Medical College And Hospital Vs. Union of India & Ors., directed the Council to carry out the physical inspection of 25 medical colleges, including the Al-Ameen Medical College & Hospital, Bijapur, Karnataka for grant of renewal of permission / Recognition for the academic year 2018-19.

In pursuance of the above Order of the Hon'ble Supreme Court, an assessment to assess the physical and the other teaching facilities available for recognition/approval of Al-Ameen Medical College & Hospital, Bijapur under Rajiv Gandhi University of Health Sciences, Bangalore u/s 11 (2) of the IMC Act, 1956 for the award of MBBS degree against the increased intake i.e. from 100 to 150 seats was carried out by the Council assessors on 06.12.2017 & 07.12.2017. The assessment report was considered by the Executive Committee at its meeting held on 04.01.2018 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report)6th and 7thDecember, 2017) carried out in pursuance of the Order dated 09.10.2017 passed by the Hon'ble Supreme Court alongwith the videography, photographs and other relevant material/documents and noted the following:-

1. Deficiency of faculty is 16.77 % as detailed in the report.
2. Shortage of Residents is 20.48 % as detailed in the report.
3. OPD attendance upto 2 p.m. on day of assessment is 1,121 against requirement of 1,200. Even this figure seems to be inflated.
4. Bed Occupancy at 10 a.m. on day of assessment was 29.7 %.
5. Out of 202 patients available on the day of assessment during the physical verification, total 18 patients (8.9%) – 16 patients in Medicine ward and two patients in Paediatrics ward are sorted out to be not genuine indicated for hospitalization as six patients were admitted without case papers in Medicine ward and 10 patients case papers of without any clinical signs and No IV lines and treatment written not consistent with the diagnosis (statement recorded on the three case papers by the on duty residents) and two cases in Pediatric ward not with clinical sign and matching with the treatment and one case without diagnosis and evaluation.
6. There was NIL Major Operation performed upto 12:10 p.m. on day of assessment. Only 6 patients were posted for elective Surgery.
7. Data of Laboratory Investigations provided by the Institute appear to be inflated as detailed in the report.
8. Wards: Pantry & Store Room in most of the wards were locked & non-functional at time of visit. Treatment rooms are not adequately equipped. Demonstration rooms are common for 2-3 wards. Paediatric ward in newly constructed building is without functional Nursing Station, fan & adequate lighting. 9 beds in Orthopaedics ward are in pathetic condition & cannot be used for patient care. Out of 30 required beds in Ophthalmology (as PG course is run), only 9 are functional. Proper Nursing Stations are not available in Eye & ENT wards.
9. Casualty: Separate Casualty for O.G. is not available.
10. Radiodiagnosis department: 3 Static X-ray machines are available against requirement of 5. 5 Mobile X-ray machines are available against requirement of 6.
11. Students' Hostels: Room space is inadequate for a 3-seater room (i.e. 27 sq.m. required)
12. Residents' Hostel: Available accommodation is for 58 Residents against requirement of 85.
13. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognize/approve Al-Ameen Medical College & Hospital, Bijapur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree against the increased intake i.e. from 100 to 150 seats and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Committee also decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18.03.2016, which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic year and further such an institute will not be considered for processing applications for postgraduate courses in that Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted postgraduate courses.”

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year)2018-19 (and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11)2 (of the IMC Act, 1956, along with direction of stoppage of admissions in permitted postgraduate courses and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month...”

The Executive Committee further observed that on 05.01.2018, the minutes of the Executive Committee meeting were forwarded by the Council to the Oversight Committee for their approval. The Oversight Committee vide its letter dated 22.01.2018 approved the above mentioned minutes of the meeting of the Executive Committee.

The Council, after obtaining the approval of the Oversight Committee, conveyed the decision of the Executive Committee to the Central Govt., vide Council's letter dated 25.01.2018.

The Executive Committee also observed that the Council vide another letter dated 25.01.2018 issued the Show Cause Notice to the college authorities to explain as to why the Council should not proceed to recommend to the Central Govt. for withdrawal of recognition of MBBS degree/Postgraduate course of the institute and stoppage of admissions in permitted postgraduate course.

In the meantime, the attention of the Council was invited to the order dated 17.01.2018 passed by the Hon'ble Supreme Court in W.P. (C) Nos. 432 & 450 of 2017 which reads as under:-

“In the instant case, this Court has directed the Medical Council of India and other respondents to consider the case for the year 2018-2019. The inspection has been made by the Medical Council of India and they have to take a call on the basis of the report as per procedure under the rules. Let the Government of India and Medical Council of India take a decision in the matter by 31st March, 2018 in accordance with law.

In case any of the college is aggrieved by the decision so taken would be at liberty to question it in accordance with the law. Nothing further survives for adjudication in the instant matters. The writ petitions are disposed of in terms of the aforesaid direction.”

The Executive Committee also noted that the Dean/Principal, Al-Ameen Medical College & Hospital, Bijapur, Karnataka vide letter dated 23.02.2018 had submitted the detailed compliance. The compliance submitted by the medical college was considered by the Sub-Committee at its meeting held on 05.03.2018 wherein it was decided to conduct compliance verification assessment to verify the status of facilities available in the college. Accordingly, a compliance verification assessment was carried out by the assessors of the Council on 22.03.2018 for 100 MBBS seats.

The compliance verification assessment report 22.03.2018 alongwith previous assessment report (06.12.2017 & 07.12.2017) was considered by the Executive Committee at its meeting held on 24.03.2018 and it was decided as under:-

“The Executive Committee of the Council considered the compliance verification assessment report (22.03.2018) along with previous assessment report (06.12.2017 & 07.12.2017), photographs/vodeography and noted the following:-

1. *Deficiency of faculty is 8.8 % as detailed in the report.*
2. *Shortage of Residents is 6.15 % as detailed in the report.*
3. *Other deficiencies as pointed out in the assessment report.*

In view of above, the Executive Committee of the Council decided to revoke the decision of application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment),2010 (Part II), dated 16th April, 2010 and amended on 18.03.2016 and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within 01 month.

Further the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of fresh batch of 100 to 150 MBBS students at Al-Ameen Medical College & Hospital, Bijapur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.”

The Executive Committee noted that on 26.03.2018, the decision taken by the Executive Committee of the Council as set out in the minutes of the meeting of the Executive Committee were forwarded to the Oversight Committee for their approval. The Oversight Committee vide its letter dated 28.03.2018 approved above mentioned minutes of the meeting of the Executive Committee and the decision taken, therein.

Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 28.03.2018 and copy of the letter was also marked to the college authorities and PG section with the request to the college to submit the point wise compliance within one month for further consideration of the matter.

The Executive Committee also took note of the letter dated 13th April, 2018 received from the Central Govt. forwarding therewith the fresh compliance submitted by the medical college authorities along with the observations/recommendation of the Hearing Committee for review by the Council.

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

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

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

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

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

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

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

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

The Executive Committee noted that the college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the Council. The said compliance report of the college which was submitted by the college on 23.02.2018 in the Council Office was verified by compliance verification assessment by the Council on 22.03.2018. Since the medical college has failed to fulfill the minimum requirement of teaching faculty, clinical material, infrastructure and other physical facilities etc. for 100 MBBS seats, as prescribed under the MCI Regulations, therefore, they are not entitled for grant of recognition for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956. Consequently, the medical college cannot be allowed to admit students against the increased intake i.e. from 100 to 150 seats till the time the college is fully compliant and is granted recognition.

Therefore, as far as the Govt. of India letter dated 13.04.2018 is concerned, it is informed that the Council has already granted an opportunity to the medical college to submit their compliance to the deficiencies found during the inspection carried out on 6th& 7th December, 2017 and thereafter the compliance verification assessment has also been carried out on 22.03.2018 as per the judgment passed by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd.) & Anr. Vs Union of India- (2015) 10 SCC 19. Hence, there is no provision for further consideration of any compliance after giving an opportunity to the medical college to rectify the deficiencies. The Council has to consider all the application strictly as per the direction issued by the Hon'ble Supreme Court in the case of Royal Medical Trust (supra), wherein, it has categorically been held that in case the medical college is found to be deficient even after giving an opportunity for compliance, then their application is required to be rejected for that academic year.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Government not to renew the permission for admission of fresh batch of 100 to 150 MBBS students at Al-Ameen Medical College & Hospital, Bijapur, Karnataka under Rajiv Gandhi University

of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee further decided to direct the office to carry out assessment of the college for the purpose of recognition u/s 11(2) in due course of time.

91. Increase of seats in MBBS course from 100 to 150 at BPS Govt. Medical College For Women, Khanpur Kalan, Sonapat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to increase of seats in MBBS course from 100 to 150 at BPS Govt. Medical College For Women, Khanpur Kalan, Sonapat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that assessment to assess the physical and other teaching facilities available for grant of Letter of Permission for Increase of seats in MBBS course from 100-150 at BPS Govt. Medical College For Women, Khanpur Kalan, Sonapat under Pt. B D Sharma University of Health Sciences, Rohtaku/s 10 A of the IMC Act, 1956 for the academic session 2018-19 was carried out by the Council assessors on 10th & 11th, November, 2017. The assessment report was considered by the Executive Committee at its meeting held on 14.12.2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report)10th and 11th November, 2017 (and noted the following:-

1. *Deficiency of faculty is 16.96 % as detailed in the report.*
2. *Administrative experience of Dr. Mehar S. Punia, Medical Superintendent is not given; hence it is not possible to verify whether his appointment is as per Regulations or not.*
3. *Shortage of Residents is 22.58 % as detailed in the report.*
4. *Bed Occupancy at 10 a.m. on day of assessment was 59.48 % of required beds.*
5. *Nursing staff: 212 Nursing staff are available against requirement of 247.*
6. *Anatomy department: Available infrastructure is as required for 100 students as detailed in the report. No additional facilities have been created for increase to 150. Burial ground is not available.*
7. *Physiology department: Available infrastructure is as required for 100 students as detailed in the report. No additional facilities have been created for increase to 150.*
8. *Biochemistry department: Available infrastructure is as required for 100 students as detailed in the report. No additional facilities have been created for increase to 150.*
9. *Other deficiencies as pointed out in the assessment report.*

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt .not to grant Letter of Permission for increase of seats from 100 to 150 u/s 10A of the IMC Act, 1956 in respect of BPS Govt. Medical College For Women, Khanpur Kalan, Sonapat under Pt. B D Sharma University of Health Sciences, Rohtak for the academic year 2018-2019."

The Executive Committee noted that the above decision of the Executive Committee duly approved by the Oversight Committee was communicated to the Central Govt. vide Council letter dated 06.01.2018 and copy marked to the College authorities with the request to submit the detailed point wise compliance within one month. A reminder was also sent to the college authorities on 23.02.2018 to submit the compliance within 7 days from the date of dispatch of the letter.

The Executive Committee also noted that the Council office has received a letter dated 03.03.2018 from the Under Secretary to Govt. of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi addressed to the Additional Chief Secretary, Medical Education & Research, Chandigarh and copy marked to the college authorities and Medical Council of India, which reads as under:-

"I am directed to refer to letter No. Misc/BPSGMC/18/126 dated 27.02.2018 of Director, BPS Govt. Medical College for Women, Sonapat addressed to you with a copy to the Ministry of Health & Family Welfare for deferring the application of BPS Govt. Medical College for Women, Sonapat for increase of intake capacity from 100 to 150 for the time

being and to request the State Government to confirm withdrawal of above application for the academic year 2018-19."

The Committee observed that till date, the college authorities has not submitted the compliance as sought by the Council vide letter dated 06.01.2018 followed by subsequent reminder dated 23.02.2018.

In view of above, the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of scheme for increase of seats from 100 to 150 u/s 10A of the IMC Act, 1956 at BPS Govt. Medical College For Women, Khanpur Kalan, Sonapat under Pt. B D Sharma University of Health Sciences, Rohtak for academic year 2018-19 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.

92. Increase of seats in MBBS course from 200 to 250 at Jawarharlal Nehru Medical College, Sawangi, Wardha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to increase of seats in MBBS course from 200 to 250 at Jawarharlal Nehru Medical College, Sawangi, Wardha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that an assessment to assess the physical and other teaching facilities available for grant of Letter of Permission for increase of seats in MBBS course from 200-250 at Jawarharlal Nehru Medical College, Sawangi, Wardha under Datta Meghe Institute of Medical Sciences, (Deemed University), Wardha u/s 10 A of the IMC Act, 1956 for the academic session 2018-19 was carried out by the Council assessors on 6th& 7th October, 2017. The assessment report was considered by the Executive Committee at its meeting held on 25.10.2017 and it was decided as under:-

".....

In view of the above, as the applicant college does not meet the Qualifying Criteria 6(b)(iii) of Opening of New or Higher Courses of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including Postgraduate Course of Study or Training) (Amendment) Regulations, 2009 (Part-III) as bed occupancy is less than the required for eligibility, the Executive Committee of the Council decided to return the application for increase in MBBS seats from 200 to 250 at Jawarharlal Nehru Medical College, Sawangi, Wardha under Datta Meghe Institute of Medical Sciences, (Deemed University), Wardha for the academic year 2018-2019 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

The Executive Committee of the Council further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016.

The Executive Committee of the Council considered the letter dated 21.12.2017 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding therewith the representation/compliance dated 14.12.2017 received from the Dean, Jawaharlal Nehru Medical College, Sawangi, Wardha

The Executive Committee noted that the Ministry under its Committee had given personal hearing to the authorized representatives of the medical

colleges/applicants on 15.12.2017, 18.12.2017 & 19.12.2017 and forwarded observations/recommendations of the Committee constituted by the Ministry in the matter, which is as under:-

“Deficiency of resident and faculty is marginal. The college has claimed much higher bed occupancy but the claim regarding BO on 06.10.2017 cannot be verified as documents shown do not contain the date of admission of patients. The college has contested certain deficiencies and agreed to some other which are now stated to be rectified.

Recommended for review by MCI.”

The Executive Committee noted that the compliance report submitted by the Dean, Jawaharlal Nehru Medical College, Sawangi, Wardha received through the Central Govt. vide letter dated 21.12.2017 was considered by the Sub-Committee at its meeting held on 12.01.2018.

The Executive Committee observed that earlier it has been decided to apply clause 8(3)(1)(c) on account of Bed Occupancy which was only 50.75%. As these Regulations are Statutory Regulations, mandatory & binding in character, it is required to be followed by all authorities.

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for increase in MBBS seats from 200 to 250 at Jawarharlal Nehru Medical College, Sawangi, Wardha under Datta Meghe Institute of Medical Sciences, (Deemed University), Wardha for the academic year 2018-2019 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

The Executive Committee further decided to direct the office to carry out compliance verification assessment of the college for revocation of clause 8(3)(1)(c) in due course of time.

93. Establishment of New Medical College at Diphu, Assam (Assam Hills Medical College & Research Institute, Diphu) by Govt. of Assam u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Diphu, Assam (Assam Hills Medical College & Research Institute, Diphu) by Govt. of Assam u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that the Council Office vide its letter dated 14.09.2017 had informed the Central Govt. as under:-

“ It is to inform you that the said application has been received in the Council Office on 03.08.2017 which is after the cut-off date i.e. 15.07.2017. In this regard, your kind attention is invited to the Establishment of Medical College Regulations, 1999 that provides for the following Time Schedule for processing of application: -

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

S. No.	Stage of processing	Last Date
	Receipt of applications by the Central Government	Between 15 th June to 7 th July (both days inclusive) of any year
	Forwarding application by the Central Government to Medical Council of India.	By 15 th July

	<i>Technical Scrutiny, assessment Recommendations for Letter of Permission by the Medical Council of India.</i>	<i>By 15th December</i>
	<i>Receipt of reply/compliance from the applicant by the Central Government and for personal hearing thereto, if any, and forwarding of compliance by the Central Government to the Medical Council of India.</i>	<i>Two months from receipt of recommendation from MCI but not beyond 31st January.</i>
	<i>Final recommendations for the Letter of Permission by the Medical Council of India.</i>	<i>By 30th April</i>
	<i>Issue of Letter of Permission by the Central Government.</i>	<i>By 31st May</i>

Note 1. In case of renewal of permission, the applicants shall submit the application to the Medical Council of India by 15th July.

The above Schedule has been approved by the Hon'ble Supreme Court in its order dated 18.01.2016 in Ashish Ranjan's case.

It is further to inform you that the Hon'ble Supreme Court vide its judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anr. has passed the following Order:-

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

Therefore, keeping in view that the applications for establishment of new medical college are required to be forwarded by the Central Govt. to the MCI by 15th July and in the instant case, there is a delay of 10 days. The time schedule prescribed in the Regulations cannot be breached by the Council.

The applicant has submitted the processing fee i.e 3.00 lakhs instead of 3.50 lakhs . The Original demand draft of Rs. 3.00 lakhs as submitted by the applicant is being returned herewith.

In view of the above, the Council has decided to return the application for Establishment of New Medical College at Diphu, Assam (Assam Hills Medical College & Research Institute, Diphu) by Govt. of Assam to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as the said application has been received in the Council office after the cut off date .”

The Executive Committee further observed that the Council Office had received a letter dated 21/12/2017 from the Central Govt., Ministry of Health & Family Welfare, New Delhi stating therein that as per the proviso under Section 10 (A)(4) of IMC Act, 1956, a Committee has been constituted for granting opportunity of personal hearing to the applicant Colleges/Institutions whose Schemes for establishment of new medical Colleges/increase in admission capacity in MBBS course etc. For the year 2018-2019 were recommended for disapproval by the MCI. The Committee has given personal hearing to the authorized representatives of the Medical Colleges/applicants on 04.10.2017 & 06.10.2017. Based on the compliance submitted by the colleges concerned in support of their claim, the committee has recommended for review of the schemes by the MCI.

In view of above, the Central Govt. had forwarded the photocopy of application (without the fees of Rs. 3.50 lac) for Establishment of new medical college at Diphu, Assam (Assam Hills Medical College Hospital Cum Diphu Civil Hospital) by Government of Assam u/s 10A of the IMC Act, 1956 for the academic year 2018-19

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

“The online application was received in the Ministry on 07.07.2017 which was within time. The demand draft is also dated 07.07.2017. The physical copy may have been

received late in MCI, however considering that the online application was received in time, MCI may consider the proposal for the session 2018-19. The college agreed to submit additional draft of Rs. 50, 000/- to MCI to make up for the deficit. The issue also merits consideration as the college is situated in a highly underserved and disturbed area.”

The Executive Committee also observed that at its meeting held on 04.01.2018 it was decided as under:

“The Executive Committee of the Council considered the letter dated 21/12/2017 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding compliance submitted by the college concerned in support of their claim.

The Executive Committee noted that the Ministry has forwarded the observations/recommendations of the Committee constituted in the matter, which is as under:-

“The online application was received in the Ministry on 07.07.2017 which was within time. The demand draft is also dated 07.07.2017. The physical copy may have been received late in MCI, however considering that the online application was received in time, MCI may consider the proposal for the session 2018-19. The college agreed to submit additional draft of Rs. 50, 000/- to MCI to make up for the deficit. The issue also merits consideration as the college is situated in a highly underserved and disturbed area.”

The Committee further noted the following relevant portion of the Hon’ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

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

The Committee further noted the following relevant portion of the Hon’ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

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

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

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

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

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

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of clear specific directives of the Hon'ble Supreme Court of India as mentioned above, the Executive Committee of the Council decided to seek advise/opinion of the Oversight Committee on whether to consider and process the application in view of the Central Govt. recommendations and as the applicant is the State Government of Assam and the proposed medical college is in a remote area of Assam.”

The above decision of the Executive Committee alongwith the detailed facts of the case was communicated to the Secretary, Oversight Committee vide Council letter dated 10.01.2018 with the request to seek advice of the Oversight Committee on whether to consider and process the application in view of the Central Govt. recommendations and as the applicant is the State Government of Assam and the proposed medical college is in a remote area of Assam.

The Executive Committee noted that the Council Office has received a letter dated 19.02.2018 from the Secretary, Oversight Committee stating therein as under:-

“Please refer to Medical Council of India letters dated 10.01.2018 and 25.01.2018, on the mentioned subject, the Oversight Committee considered the proposal and documents furnished to it and decided to convey that the Council may follow the provisions of the Regulations and the directions of the Hon'ble Supreme Court in respect of proposal for setting up of new Medical College at Diphu, Assam. The Oversight Committee is not vested with power to overrule the provisions of the Regulations.

This issues with the approval of the Oversight Committee.”

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision to return the application for establishment of new medical college at Diphu, Assam (Assam Hills Medical College & Research Institute, Diphu) by Govt. of Assam to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as the said application has been received in the Council Office after the cut-off date.

94. Establishment of New Medical College at Basti, Uttar Pradesh (Govt. Allopathic Medical College, Basti) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Basti, Uttar Pradesh (Govt. Allopathic Medical College, Basti) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that an assessment of the physical and other teaching facilities available for grant of Letter of Permission for

establishment of new medical college at Basti, Uttar Pradesh by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19 was carried out by the Council Assessors on 17th& 18th January, 2018. The assessment report (17th& 18th January, 2018) was considered by the Executive Committee of the Council at its meeting held on 06/02/2018 and it was decided as under:-

“.....

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of permission for establishment of a new medical college at Basti, Uttar Pradesh (Govt. Allopathic Medical College, Basti) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19.”

The decision of the Executive Committee duly approved by the OC was communicated to the Central Govt. vide Council's letter dated 27.02.2018 and copy to the college authorities with the request to submit the compliance.

The Executive Committee noted that till date Council Office has not received any information/compliance from the college authorities.

In view of above, the Executive Committee of the Council decided to return the application for establishment of new medical college at Basti, Uttar Pradesh (Govt. Allopathic Medical College, Basti) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19 recommending disapproval of the scheme to the Central Govt. 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.

95. Establishment of new medical college at Bagalkot Karnataka (Bagalkot Institute of Medical Sciences, Bagalkot) by Govt. of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Bagalkot Karnataka (Bagalkot Institute of Medical Sciences, Bagalkot) by Govt. of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that an assessment of the physical and other teaching facilities available for grant of Letter of Permission for establishment of new medical college at Bagalkot Karnataka (Bagalkot Institute of Medical Sciences, Bagalkot) by Govt. of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19 was carried out by the Council Assessors on 13th& 14th November, 2017. The assessment report (13th& 14th November, 2017) was considered by the Executive Committee of the Council at its meeting held on 14/12/2017 and it was decided as under:-

“.....

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of permission for establishment of a new medical college at Bagalkot, Karnataka (Bagalkot Institute of Medical Sciences, Bagalkot) by Govt. of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19.”

The above decision of the Executive Committee duly approved by the OC was communicated to the Central Govt. vide Council's letter dated 06.01.2018 and copy to the college authorities with the request to submit the compliance.

The Executive Committee noted that since the requisite compliance was not received from the college authorities within the stipulated time of 1(one) month as granted by the Council, the Council Office had sent reminder to the college authorities on 13.02.2018 to submit the required compliance within 7 days from the date of dispatch of the letter and till date, the Council Office has not received any information/compliance from the college authorities.

In view of above, the Executive Committee of the Council decided to return the application for establishment of new medical college at Bagalkot Karnataka (Bagalkot Institute of Medical Sciences, Bagalkot) by Govt. of Karnataka with an annual intake of 150 MBBS students under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

96. Recognition/approval of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka for the award of MBBS degree (150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka for the award of MBBS degree (150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council observed that in pursuance of the Order of the Hon'ble Supreme Court, an assessment of the physical and other teaching facilities available for recognition/approval of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree (150 seats) had been carried out by the Council Assessors on 17th & 18th November 2017. The assessment report (17th & 18th November, 2017) was considered by the Executive Committee of the Council at its meeting held on 04.01.2018 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report (17th and 18th November, 2017) carried out in pursuance of the Order dated 09.10.2017 passed by the Hon'ble Supreme Court alongwith the observations of the Dean/Principal, videography, photographs and other relevant material/documents as well as a letter dated 18/11/2017 from the Principal of the college and noted the following:-

1. Deficiency of faculty was 7.52 % as detailed in the report.
2. OPD was closed on day of assessment.
3. Bed Occupancy at 10 a.m. on day of assessment is 41.23 %.
4. There was NIL Major Operation on day of assessment.
5. There was NIL Normal Delivery & only 1 Caesarean Section on day of assessment.
6. Data of Laboratory Investigations provided by the Institute appear to be inflated.
7. Casualty: Crash cart is not available.
8. ICU: There were only 2 patients in SICU.
9. RHTC: Construction is not yet complete. Students are not posted.
10. UHC: Students are not posted.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognize/approve Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree (150 seats) and

further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.”

The Executive Committee noted that on 05.01.2018, the minutes of the Executive Committee meeting were forwarded by the Council to the Oversight Committee for their approval. The Oversight Committee vide its letter dated 22.01.2018 approved the above mentioned minutes of the meeting of the Executive Committee.

The Council, after obtaining the approval of the Oversight Committee, conveyed the decision of the Executive Committee to the Central Govt., vide Council's letter dated 30.01.2018. Copy of the said letter was also forwarded to the medical college with the request to submit their compliance to the deficiencies pointed out in the assessment report within 01 month for further consideration of the matter.

The Executive Committee also observed that on receipt of the request u/s 11(2) of the IMC Act, 1956 an assessment to assess the Standard Examination held by Rajiv Gandhi University of Health Sciences, Bangalore for recognition/approval of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka for the award of MBBS degree (150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 was carried out by the Council Assessors on **10.01.2018**. In the meantime, the attention of the Council was invited to the order dated 17.01.2018 passed by the Hon'ble Supreme Court in W.P. (C) Nos. 432 & 450 of 2017 which reads as under:-

“ In the instant case, this Court has directed the Medical Council of India and other respondents to consider the case for the year 2018-2019. The inspection has been made by the Medical Council of India and they have to take a call on the basis of the report as per procedure under the rules. Let the Government of India and Medical Council of India take a decision in the matter by 31st March, 2018 in accordance with law.

In case any of the college is aggrieved by the decision so taken would be at liberty to question it in accordance with the law. Nothing further survives for adjudication in the instant matters. The writ petitions are disposed of in terms of the aforesaid direction.”

The Executive Committee also took note that the Dean, Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka vide his letter dated 26.02.2018 submitted their compliance. The compliance submitted by the medical college was considered by the Sub-Committee of the Council by circulation wherein, it was decided to conduct a compliance verification assessment to verify the status of facilities available in the college. Accordingly, a compliance verification assessment of the medical college was carried out by the assessors of the Council on **22.03.2018**.

The Executive Committee also observed that the compliance verification assessment report (22nd March, 2018) along with previous assessment report (17th& 18th November, 2017) as well as Assessment Form C of General Surgery including Orthopaedics, General Medicine, Paediatrics and Obstetrics & Gynaecology with regard to Recognition/approval of Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka for the award of MBBS degree (150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 for the academic year 2018-2019 and a letter/representation dated 22.03.2018 received from the college authorities was considered by the Executive Committee of the Council at its meeting held on 24.03.2018 and it was decided as under:-

“The Executive Committee of the Council considered the compliance verification assessment report (22nd March, 2018) along with previous assessment report (17th& 18th November, 2017), photographs/vodeography and noted the following:-

1. *Deficiency of faculty is 7.57 % as detailed in the report.*
2. *Shortage of Residents is 22.50 % as detailed in the report.*
3. *Resident Hostel: No separate resident hotels. Girl residents are placed in the ground floor of the hospital and male SRs are in the 3rd floor of the hospital. Jr.*

Residents (Boys) are occupying the ground floor of the boys (students) hostel. The following was noticed on random verification:

(i) In girls resident room, for example in room No.S-04, allotment letter of Dean shows, 2 Obgyn SRs. Dr. Rachana and Dr. Kusuma staying along with Dr. Kavyashree, ENT SR. On verification of the same room, it was found occupied by Dr. Venkatrajamma PR, Associate Professor and Dr. Kavyashree, SR of ENT Department. Signed evidence of the occupant of the room is attached herewith.

(ii) Most of the rooms had similar kind of belongings scattered in the room, there is no mess facility and no sign of utilization of the restrooms etc. taking this into consideration, it can be assumed that around 50% of the residents are not staying in campus.

4. OPD attendance upto 2 p.m. on day of assessment was 1,147 against requirement of 1,200.
5. Bed Occupancy at 10 a.m. on day of assessment was 42 %. After excluding non-genuine patients, it is 35.69 %.
6. Patient : - In many of the wards, patients with non specific complaints and not requiring admissions were admitted. Or they were admitted but no active treatment or investigations were done. In many of the case records, notes are written in separate case sheets, with no dates, and separate IP admit cards are placed with no time of admission and no signature of any staff, doctor, no diagnosis etc. leading to the conclusion that case sheets have been written before hand and admit cards are placed on the date of assessment.
From among the patients (273 cases who were in the beds, the following similar trend of patients were noticed, to quote, a few, examples are given below:

1. Susheela V, IP No.183160055, was admitted in Orthopaedics ward on 16/03/2018, with fracture both bone Right forearm – on examination, the patient had no fracture and no x-ray was done and the patient was deemed fit for discharge on 22/03/2018.
2. Akkamama IP No.1803170050, in Ophthalmology ward has different IPD numbers in case sheet and in admit card. Case sheet number is 1803170056. Patient admitted on 17/03/2018, but notes of 19/03/2018 and 22/03/2018 are only available.
3. Gangamma, IP No.1803220022, Ophthalmology ward was admitted on 22/03/2018, but had case notes written even for 21/03/2018.
4. In Orthopaedics ward, most of the female patients were admitted for non-specific complaints, knee pain, shoulder pain and shoulder pain.
5. Punneet in Male medical IP No.1803200016 admitted since 20/03/2018, no active treatment started or investigation done.
6. Gangamma IP No.180320061, No active treatment of investigation done
7. In female medical, about 6 patients with names, Rupa, Tara, Ashwini, Padmavathy, Gangamma and Manjura had no IP case sheets and did not merit any admissions.
Patients had no belongings with them. Non-genuine among patients in the beds is more than 15% taking the effective bed occupancy to 35.69%.
7. ICUs: There were only 2 patients in SICU on day of assessment. Non Cardiac patients are admitted in ICCU.
8. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka for the award of MBBS degree (150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of fresh batch of 150 MBBS students at Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.”

On 26.03.2018, the decision taken by the Executive Committee of the Council as set out in the minutes of the meeting of the Executive Committee were forwarded to the Oversight Committee for their approval. The Oversight Committee vide its letter dated 28.03.2018 approved above mentioned minutes of the meeting of the Executive Committee and the decision taken, therein.

Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 28.03.2018 and copy of the letter was also marked to the college authorities with the request to submit the compliance for the purpose of recognition for rectification of the deficiencies within 01 month for further consideration of the matter.

The Executive Committee also noted that the Council Office has received a letter dated 13th April, 2018 from the Central Govt. forwarding therewith the fresh compliance submitted by the medical college authorities along with the observations/recommendation of the Hearing Committee for review by the Council.

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

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

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

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

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

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

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

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

The college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the Council. The said compliance report of the college which was submitted by the college on 26.02.2018 in the Council Office was verified by compliance verification assessment by the Council on 22nd March, 2018. Since the medical college has failed to fulfill the minimum requirement of teaching faculty, clinical material, infrastructure and other physical facilities etc., as prescribed under the MCI Regulations, therefore, they are not entitled for grant of recognition under section 11(2) of the IMC Act, 1956. Consequently, the medical college cannot be allowed to admit students till the time the college is fully compliant and is granted recognition.

Therefore, as far as the Govt. of India letter dated 13.04.2018 is concerned, it is informed that the Council has already granted an opportunity to the medical college to submit their compliance to the deficiencies found during the inspection carried out on 17&18. 11.2017 and thereafter the compliance verification assessment has also been carried out on 22.03.2018 as per the judgment passed by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd.) & Anr. Vs Union of India- (2015) 10 SCC 19. Hence, there is no provision for further consideration of any compliance after giving an opportunity to the medical college to rectify the deficiencies. The Council has to consider all the application strictly as per the direction issued by the Hon'ble Supreme Court in the case of Royal Medical Trust (supra), wherein, it has categorically been held that in case the medical college is found to be deficient even after giving an opportunity for compliance, then their application is required to be rejected for that academic year.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Government not to renew the permission for admission of fresh batch of 150 MBBS students at Shridevi Institute of Medical Sciences & Research Hospital, Tumkur, Karnataka granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee further decided to direct the office to carry out assessment of the college for the purpose of recognition u/s 11(2) in due course of time.

97. Recognition/Approval of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh for the award of MBBS degree (150 seats) granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh for the award of MBBS degree (150 seats) granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council observed that in pursuance of the Order of the Hon'ble Supreme Court, an assessment of the physical and other teaching facilities available for recognition/approval of Mayo Institute of Medical

Sciences, Barabanki, Uttar Pradesh for the award of MBBS degree (150 seats) granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 11(2) of the IMC Act, 1956 had been carried out by the Council assessors on 18th & 19th December, 2017. The assessment report (18th and 19th December, 2017) was considered by the Executive Committee of the Council at its meeting held on 04.01.2018 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report (18th and 19th December, 2017) carried out in pursuance of the Order dated 09.10.2017 passed by the Hon'ble Supreme Court alongwith the observations of the Dean/Principal, videography, photographs and other relevant material/documents and observed that the faculty cannot be disqualified on the ground that they are staying in a neighbouring city that is less than 15 kms away. Therefore the following faculty that is staying in Lucknow and have reported within time should be counted:-

1. Dr. Surendra Mehrotra, Assoc. Prof., General Surgery
2. Dr. Parijat Gupta, Professor, Orthopaedics
3. Dr. Lakhan Chandra Pandey, Prof. & Head of Orthopaedics
4. Dr. Ravindra Pratap Singh, Asstt.Prof. of Orthopaedics
5. Dr. Rahul Singh, Asstt.Prof., Orthopaedics
6. Dr. Devendra Bahadur Singh, Professor, ENT
7. Dr. Shashi Bhushan, Prof. & HOD, Anaesthesiology
8. Dr. V.N. Vaid, Assoc.Prof., Anaesthesia
9. Dr. Suruchi, Asstt.Prof. Anaesthesia

The Committee on further scrutiny of the declaration forms of the following faculty observed that their promotion is irregular as they do not have the research publications:-

1. Dr. Arvind Kumar Srivastava, Assoc.Prof., General Surgery
2. Dr. Narendra Kumar Gupta, Professor, General Surgery

1. In view of above, the deficiency of faculty was 8.32% as detailed in the report.
2. Shortage of Residents was 29.41 % as detailed in the report.
3. Authorities have not submitted bank account statements of faculty & Residents. Residents are drawing more salary than faculty.
4. Biometric attendance was not produced for verification in spite of repeated requests.
5. OPD computerized registry showed 414 OPD at 09:45 a.m. on 19/12/2017. On cross verification in Medicine, Surgery & OG OPD, it was found that the record was gross mismatch as on asking Consultants in respective OPD stated that they had seen only 1 or 2 patients. Same type of mismatch was there on 18/12/2017 as well.
6. Bed Occupancy at 10 a.m. on day of assessment was 36.15 %.
7. Nursing & Paramedical Staff: On cross verification in a Surgery ward, Staff Nurse was actually found to be OT Technician.
8. On cross verification, it was observed that no Major or Minor operation was performed till 6 p.m. on day of assessment.
9. There was NIL Normal Delivery & only 1 Caesarean Section on day of assessment.
10. In O.G., one patient named Shanti Devi (IP # 171250294) with complaints of Menorrhagic disorder having no investigation or treatment but fund with Delivery Note.
11. Histopathology workload is NIL & Cytopathology workload is only 05 on day of assessment.
12. OPD: Resuscitation equipment are not available in Injection room. There are no records of Specialty clinics in Paediatrics & OG OPD.
13. Wards: There is no O₂ pipeline in Surgical, Medical & Orthopaedic wards.
14. Casualty: There was only 1 patient at time of visit. Old records were not available.
15. O.T.: On 18/12/2017, there were 4 patients in Pre-operative ward; In the evening on cross verification, there was no operation done & no patient in post-operative ward.
16. ICUs: There was only 1 patient each in ICCU, MICU, SICU, NICU/PICU on day of assessment. In MICU, the admitted patient had no finding of any seriousness on case paper as well as clinically. Same thing was found in NICU & SICU.
17. Labour room: There was no woman in Labour room on 18/12/2017.
18. Blood Bank: Only 1 unit was disbursed on day of assessment.
19. MRD: ICD X classification of diseases was not functional.
20. Central Library: There is no signage of working hours & holidays.
21. RHTC: Cold Chain equipment are not available.
22. UHC: Teaching area is not available.
23. Other deficiencies as pointed out in the assessment report.

The Executive Committee of the Council also perused the letter of assessors which reads as under:

“With reference to the subject cited above, kindly note that the assessors were harassed at the Mayo Institute of Medical Sciences at Barabanki, UP. The following incidents took place at the institute:-

1. *Dean has given to do Xerox copy of verified declaration forms namely Devendra Bahakar Singh Professor ENT without permission of assessors. (proof attached)*
2. *Dean has allowed unauthorized person to do separate videography during inspection of the college and hospital. As we came across this matter we have collected that mobile and submit to you for their mobile data verification, after verification, you may please hand over the mobile to concerned authority.*
3. *Lady from management side yelled at assessors during assessment. Even dean did so.*
4. *They were not co-operative during the assessment process. They have indifferent attitude towards the assessment.*
5. *In spite of repeated requests made by the assessors to produce bio-metric attendance/attendance registers for verification immediately after reaching the institute it is not produced on the first day of assessment. However they have produced on the second day of the assessment, that is on 19.12.2017.*
6. *In form A2 in disagreement note, authorities have written that one of the assessor has pulled her ID. Her allegation is baseless and totally uncalled for. ID was asked as a part of assessment and there was no malafide intention.*
7. *There is written statement from the concerned nursing staff stating that no operations were done, so there are no patients in the post-operative ward, on first day of assessment (18.12.2017).*
8. *Most of the beds in different wards were empty during the assessment days (18th and 19th December, 2017) photograph are attached.*
9. *College authority has edited the videography of assessment process, so we submit photos taken during the process of assessment by our own mobiles photos enclosed for evidence.*
10. *College authority refuses to give Xerox copy of verification notes in different registered during assessment. It had been edited (deleted) from videography. Registers: As it has been edited by the college authority, we here with submit the photographs of the same taken in our mobiles.*
11. *College authority has flicked one of the assessor's verification data recorded in a note pad on 18/12/2017, while he went to attend nature's call.*
12. *On random verification of residents hostel two SR's have accepted that they never stayed in residents hostel.*
13. *As per the norms either the Dean or the authorized person from the management is authorized to sign the report. Whereas, in spite of informing, Dean took the help of management trustee's son (Orthopaedic Surgeon) Help to write down the disagreement note.*
14. *The trustee's son has written in pencil in few pages and the Dean has over written on that which is evident in form A2. In later papers trustee's son has written the note. Dean signed for the same.”*

The Committee also perused the letter dated 22.12.2017 received from Dr. T. Gangadhara Gouda, Co-ordinator, Professor & Head, Community Medicine, VIMS, Bellary stating therein as under:-

“...I am herewith submitting LENOVO-VIBE mobile phone which was seized by one of the Assessor during assessment of Mayo Institute of Medical Sciences, Barabanki, Lucknow, U.P. on 19.12.2017, as one of the personnel from the management side was video graphing without the knowledge of the Assessor.

This is for your kind information and the needful.”

The Executive Committee therefore decided that opinion from Ld. Additional Solicitor General be obtained with regard to steps which can be taken against the Institute for misbehaving the assessors.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Government not to recognize/approve Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh for the award of MBBS degree (150 seats) granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.”

The Executive Committee further observed that on 05.01.2018, the minutes of the Executive Committee meeting were forwarded by the Council to the Oversight Committee for their approval. The Oversight Committee vide its letter dated

22.01.2018 approved the above mentioned minutes of the meeting of the Executive Committee.

The Council, after obtaining the approval of the Oversight Committee, conveyed the decision of the Executive Committee to the Central Govt., vide Council's letter dated 25.01.2018. Copy of the said letter was also forwarded to the medical college with the request to submit their compliance to the deficiencies pointed out in the assessment report within 01 month for further consideration of the matter.

In the meantime, the attention of the Council was invited to the order dated 17.01.2018 passed by the Hon'ble Supreme Court in W.P. (C) Nos. 432 & 450 of 2017 which reads as under:-

" In the instant case, this Court has directed the Medical Council of India and other respondents to consider the case for the year 2018-2019. The inspection has been made by the Medical Council of India and they have to take a call on the basis of the report as per procedure under the rules. Let the Government of India and Medical Council of India take a decision in the matter by 31st March, 2018 in accordance with law.

In case any of the college is aggrieved by the decision so taken would be at liberty to question it in accordance with the law. Nothing further survives for adjudication in the instant matters. The writ petitions are disposed of in terms of the aforesaid direction."

The Executive Committee took note that the Dean, Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh vide his letter dated 21.02.2018 submitted their compliance. The compliance submitted by the medical college was considered by the Sub-Committee of the Council by circulation wherein, it was decided to conduct a compliance verification assessment to verify the status of facilities available in the college. Accordingly, a compliance verification assessment of the medical college was carried out by the assessors of the Council on **19.03.2018**.

The Executive Committee noted that the compliance verification assessment report (19.03.2018) along with previous assessment report (18th& 19th December, 2017) with regard to recognition/approval of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh for the award of MBBS degree (150 seats) granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 11(2) of the IMC Act, 1956 for the academic year 2018-2019 and legal opinion dated 21.03.2018 received from the Ld. Additional Solicitor General regarding misbehavior with the Council Assessors during the physical assessment was considered by the Executive Committee at its meeting held on 24.03.2018 and it was decided as under:-

"The Executive Committee of the Council perused the letter from Assessors which reads as under:

"This is to inform you that after submitting the report to the Dean, he took the help of Dr. Rahul Singh, Asstt.Prof. of Orthopedics to help him write. Till then we were not informed that Dr. Rahul Singh would be the authority to write the findings in the report.

Dr. Rahul Singh wrote all the remarks by himself on the report, without the help of the Dean, which is in gross violations of the rules.

On assessment report Dean has remarked that he has authorized Dr. Rahul Singh, Asst. prof. of Orthopaedics as the representative of the college to write remarks on the assessment report on his behalf which is not permissible."

Further, the Executive Committee of the Council considered the compliance verification assessment report (19.03.2018) along with previous assessment report(18th& 19th December, 2017) alongwith photographs/videography and legal opinion dated 21.03.2018 received from the Ld. Additional Solicitor General and noted the following:-

1. *Shortage of Residents was 15 % as detailed in the report.*
2. *Many of Residents' rooms were empty. Room no. G 08 was shown to be occupied by 4 Residents; on verification it was found to be occupied by family of Dr. Jhansi, Asst. prof. of Biochemistry. Considering all factors, > 30 % Residents are not staying in the campus, taking effective shortage to 41.12 %.*
3. *Authorities have not submitted bank account statements of faculty & Residents.*

4. OFAMOS was not functional on day of assessment.
5. OPD attendance upto 2 p.m. on day of assessment was 1,097 against requirement of 1,200.
6. There was gross mismatch in OPD attendance of 4 Major departments – i.e. General Medicine, General Surgery, Orthopaedics & O.G. between computerized data & actually verified by assessors.
7. No injection was given in OPD till 2:30 p.m. There was NIL needle in needle cutter at time of visit.
8. Bed Occupancy at 10 a.m. on day of assessment was 52 %.
9. Many non-genuine cases were admitted as detailed in the report.
10. Patients:- On physical verification of the patients in the wards, non-genuine cases had been admitted. For example,
 - (a) Surgery: Most of the patients who were shown as being operated in the wards (with operative notes) have admitted that no surgery was done. On verification the same was confirmed.

Surgery (Female) : Patient by name Susham d/o Veerender IP No. 180309060 admitted for Cholecystitis. In the case sheets, operative notes for Cholecystectomy operation done on 15.3.2018 is mentioned. On clinical examination of the patients, no signs of any operation done-open or laproscopic.

Surgery (Male): Patient by name Pyarelal with IP No. 180317019 admitted on 17.2.18 with Cholelithiasis. There is no investigation specific to the diagnosis like USG done. No notes for the patient on 18.3.18 and 19.3.18 as well as treatment. Patient name Ramsingh son of Guruprasad admitted on 14.3.2018 with IP number 180314040 with benign Prostatic hyperplasia. In his case sheet TURP (Transurethral Resection of Prostrate) operation was done on 15.3.2018. On enquiring from the patient, he mentioned that no surgery was performed and the case papers 16.3.2018 and 17.3.2018 show no post operative notes. No daily notes too in the casxe sheets.

Kishan Lal son of Shivram IP No. 180314036 admitted with right sided hydrocele on 14.3.2018. Operative notes how that operative intervention was done 15.3.2017. On questioning and examining the patient, there was no evidence of any operative intervention been done.
 - (b) (1) Patient by name Divya Trivdi with IP No. 180314039 having a final diagnosis of Colle's fracture on right side in the case sheet due to fall one day back. Operative notes show reduction and immobilization. But no splint and plaster case was present on the upper limb of the patient. (2) Tarimeen Banu with IP No. 180314086 admitted on 14.3.2018 having 1 cm diameter ganglion cyst on the left wrist, with no operative intervention for the past 5 days after admission. This is usually done as a day care surgery. Patients were admitted with vague complaints like low back ache and doubtful OA knee conditions.
 - (c) Medicine Ward: Patients with vague symptoms like general weakness etc who do not merit admission are admitted in the ward. (1) Patient by name Gopi, with IP No. 180309070 admitted on 9.3.2018 with general weakness. No investigations were done for this patient. Daily only vital signs were recorded. (2) Patient by name Kunj Bihai, IP No. 180313083 admitted with Enteric fever on 13.3.2018 but till date on 19.3.2018 no wital test was done.
 - (d) Paediatric Ward: Only 4 children had parents as attenders. Rest had no parents or any attenders and even no evidence of any medicine been given to them. One ward had examination going on, in the ward, the 4 patients with parents were present. The remaining two wards outside the examination ward had no examination in process and none of the children had any parent with them.
 - (e) Obstetric Ward: Babita Singh IP No. 180314051 admitted on 14.3.2018 and in the case sheet it has been recorded as full term pregnancy and delivered the same day. No delivery notes in the case sheet. No obstetric history in the case sheet and no notes of neonate. The patient had no neonate with her. The patient admits that she goes and comes everyday and the same was endorsed by the Medical Superintendent in the case sheet. Taking into consideration 30% of the admitted patients did not merit admission, taking the effective bed occupancy to 37%.
11. There was only 1 Normal Delivery & NIL Caesarean Section on day of assessment. There was no woman in labour room.
12. OPD: There are no Specialty clinics in Paediatrics OPD. Infertility clinic is not available in OG OPD. Colposcope is not functional. No records of Family Welfare clinic were available.
13. Wards: O₂ pipelines are not connected to beds.
14. Casualty: There were 9 patients on 25 beds; all the patients did not warrant admission in Casualty. Some patients were there for > 24 hours.
15. ICUs: There was NIL patient in PICU, only 1 patient in NICU & 2 patients in ICCU without symptoms meriting admission in ICCU & 2 patients in SICU with minor complaints, not related to Surgery & did not merit admission in SICU. MICU had 3 patients who had no finding of any significance on case paper as well as clinically. None of ICUs had any doctors.
16. Blood Bank: Only 1 Unit was issued till 3 p.m.

17. MRD: ICD X classification of diseases was not functional.
18. RHTC: No vaccines are available.
19. Other deficiencies as pointed out in the assessment report.

The Executive Committee also perused the legal opinion dated 21.03.18 from the Ld. Additional Solicitor General. The operative part of the Legal opinion reads as under:-

"...In light of the above mentioned factual matrix, I am of the considered view that the medical colleges cannot obstruct or restrict or resist the Physical Assessment from being carried out by the querist's Assessor and in case they do, then the said action shall be considered to be in violation of the scheme of the IMC Act, 1956 and the Regulations made thereunder. Therefore, in order to ensure the safety of the Assessors the querist should make sure that a medical college does not resort to such practice of illtreating, threatening, pressuring, manhandling etc. the Assessors or in any way harassing them. In such cases, the querist is required to recommend to the Central Govt. to not consider the case of such medical college for permission/renewal of permission/ recognition for that particular academic year. Hence, in the case of the applicant medical college, it will be appropriate for the querist to reject their application for grant of renewal of permission /recognition for the present academic year i.e. 2018-19, as such behavior cannot be accepted. To avoid such incidences in the future, the querist may issue a circular in this regard and inform all the medical colleges/institutions, regarding the proposed actions to be taken by the querist, in case of any harassment or ill-treatment or obstruction to the querist's Assessors."

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh for the award of MBBS degree (150 seats) granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 1(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

Further the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of fresh batch of 150 MBBS students at Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2018-2019."

On 26.03.2018, the decision taken by the Executive Committee of the Council as set out in the minutes of the meeting of the Executive Committee were forwarded to the Oversight Committee for their approval. The Oversight Committee vide its letter dated 28.03.2018 approved above mentioned minutes of the meeting of the Executive Committee and the decision taken, therein.

Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 28.03.2018 and copy of the letter was also marked to the college authorities with the request to submit the compliance for the purpose of recognition for rectification of the deficiencies within 01 month for further consideration of the matter.

The Executive Committee noted that the Council Office has received a letter dated 13th April, 2018 from the Central Govt. forwarding therewith the fresh compliance submitted by the medical college authorities along with the observations/recommendation of the Hearing Committee for review by the Council.

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

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

observance of natural justice at various levels. In our view the Schedule must ideally take care of:

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

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

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

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

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

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

The college was given and had availed the opportunity of submitting the compliance of the deficiencies pointed out in the assessment report of the Council. The said compliance report of the college which was submitted by the college on 21.02.2018 in the Council Office was verified by compliance verification assessment by the Council on 19th March, 2018. Since the medical college has failed to fulfill the minimum requirement of teaching faculty, clinical material, infrastructure and other physical facilities etc., as prescribed under the MCI Regulations, therefore, they are not entitled for grant of recognition under section 11(2) of the IMC Act, 1956. Consequently, the medical college cannot be allowed to admit students till the time the college is fully compliant and is granted recognition.

Further, the Hon'ble Supreme Court vide judgment dated 12.09.2017 passed in W.P. (C) No. 674/2017 - Madha Medical College And Research Institute Through its Managing Director Vs. UOI & Anr., wherein, has held that the purpose of physical

inspection, the Council is to verify whether a medical college has the requisite infrastructure and facilities, therefore, the Council cannot be restrained from causing physical inspection, as the same is essential for maintaining standards of medical education. The relevant portion of the said judgment is reproduced hereinbelow:

“.....

17. While considering the above submissions, we must make it clear at the outset that we are not impressed with the argument that MCI is prohibited from conducting a second or subsequent inspection. The purpose of inspection by an expert team of assessors is to verify whether a medical college has the requisite infrastructure and facilities including faculty, residents as well as clinical and non-clinical material. The basic purpose of inspection is to verify whether the college possesses the wherewithal and resources to provide quality legal education consistent with the statutory regulations which hold the field. The powers of MCI cannot be constricted by prohibiting it from carrying out another inspection, even it were to come close on the heels of an earlier inspection. As an expert statutory body, MCI may have legitimate reasons for seeking a reverification of the observations contained in a prior inspection. There may be reasons to doubt the genuineness of the picture which has been made out by the college during the course of an inspection. MCI may have prima facie reasons, to believe that the actual possession of resources and infrastructure is at variance with what was portrayed before its team of assessors. MCI has been conferred with statutory powers to protect the cause of medical education. MCI is a custodian of public interest and acts in trust for the welfare of society. Access to medical care requires the presence of qualified health professionals. Verification of the conditions which prevail in medical colleges is central to the role discharged by MCI. Hence, it would be manifestly contrary to public interest to restrict the powers of MCI to carry out a fresh inspection even though in its considered decision, such an inspection is necessary. This court cannot sit in judgment over the wisdom of an expert body and we find no basis to hold in law that there is a prohibition in carrying out a fresh inspection. In the absence of a statutory interdict, the court will not read such a restriction into the powers of MCI. In these circumstances, we find no merit in the submission.

.....”

Similarly, the Hon'ble Supreme Court in W.P. (C) No. 445/2017 - Shri Venkateshwara University through its Registrar and Anr. Vs. Union of India and Anr., has held that in case the medical college does not allow the Council to carry out the physical inspection then the same shall be considered as unwarranted action on the part of the college. The relevant portion of the said judgment is reproduced hereinbelow:

“.....

16. Having said that, we shall proceed to analyze what the clause precisely conveys. On a careful reading of the same, it is quite clear and unambiguous that the obligation of the MCI is to ensure that inspections are not to be carried out at least 2 days before and 2 days after an important religious and festival holidays declared by the Central/State Government. In the clause, the words which gain significance are “important religious and festival holidays”. On 12th December, 2016, it was Milad-un-Nabi and it is the day of festival. The inspection was done on 9th December, 2016, which was a Friday. The amended clause of the notification state only covers 2 days before the festival declared as a holiday by the Central/State Government and 2 days thereafter. In the case at hand, the inspection team had gone for inspection on 9th December, 2016, and they were deprived to carry out the inspection. It was not covered by the concept of two days of moratorium. In such a situation when the Institution does not allow the team of the MCI or the assessors of the MCI, it will be adding premium to deviancy. Conferment of this kind of privilege is absolutely unwarranted. Therefore, the directions sought for grant of renewal of Letter of Permission for the academic session 2017-2018 is not acceptable.”

Therefore, as far as the Govt. of India letter dated 13.04.2018 is concerned, it is informed that the Council has already granted an opportunity to the medical college to submit their compliance to the deficiencies found during the inspection carried out on 18 & 19. 12.2017 and thereafter the compliance verification assessment has also been carried out on 19.03.2018 as per the judgment passed by the Hon'ble Supreme Court in the case of Royal Medical Trust (Regd.) & Anr. Vs Union of India- (2015) 10 SCC 19. Hence, there is no provision for further consideration of any compliance after giving an opportunity to the medical college to rectify the deficiencies. The Council has to consider all the application strictly as per the direction issued by the Hon'ble Supreme Court in the case of Royal Medical Trust (supra), wherein, it has categorically been held that in case the medical college is

found to be deficient even after giving an opportunity for compliance, then their application is required to be rejected for that academic year.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Government not to renew the permission for admission of fresh batch of 150 MBBS students at Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh granted by Dr. Ram Manohar Lohia Awadh University, Faizabad, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee further decided to direct the office to carry out assessment of the college for the purpose of recognition u/s 11(2) in due course of time.

98. Establishment of new medical college at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala with an annual intake of 100 MBBS students under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

Read: the matter with regard to establishment of new medical college at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala with an annual intake of 100 MBBS students under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

The Executive Committee noted that the Central Government had vide its letter dated 31.05.17, granted Conditional Letter of Permission for establishment of new Medical College at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by the Government of Kerala (100 MBBS Seats) from academic year 2017-18, on the directives of Hon'ble Supreme Court mandated Oversight Committee, subject to the following conditions:-

- (i) *The applicant shall submit to MHFW, within 15 days of issue of notification of approval by MHFW u/s 10A(4) of IMC Act, 1956, the following:-*
 - (a) *An undertaking affirming fulfillment of all deficiencies and statements made in the compliance report submitted to MCI/MHFW which are signed by Chief Secretary/health Secretary of the State.*
 - (b) *MHFW may thereafter, at any time in 2017-2018, direct inspection to verify the compliance submitted by the college and*
 - (c) ***In default of the conditions (a) and (b) above, and if the compliances are found incomplete in the inspection to be conducted at the instance of MHFW, the college will be debarred from fresh intake of students for 2 years commencing 2018-2019..”***

The Executive Committee of the Council considered the letter dated 23.04.2018 received through an email dated 24.04.2018 from the Under Secretary to the Govt. of India, Ministry of Health & F.W., Nirman Bhawan, New Delhi along with an undertaking of the Additional Chief Secretary, Medical Education, Government of Kerala dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (100 seats) of Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 subject to withdrawal of the conditions stipulated by the Central Government at (c) in its communication dated 31.5.2017.

Accordingly, the Ministry of Health & F.W. is recommended to issue letter of renewal of permission for the Academic Year 2018-19 after withdrawing the conditions stipulated by the Central Government at (c) in its communication dated 31.5.2017.

99. Establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha with an annual intake of 100 MBBS students under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

Read: the matter with regard to establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha with an annual intake of 100 MBBS students under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

The Executive Committee noted that the Central Government had vide its letter dated 31.05.17, granted Conditional Letter of Permission for establishment of new Medical College at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by the Government of Odisha (100 MBBS Seats) from academic year 2017-18, on the directives of Hon'ble Supreme Court mandated Oversight Committee, subject to the following conditions:-

- (i) *The applicant shall submit to MHFW, within 15 days of issue of notification of approval by MHFW u/s 10A(4) of IMC Act, 1956, the following:-*
 - (a) *An undertaking affirming fulfillment of all deficiencies and statements made in the compliance report submitted to MCI/MHFW which are signed by Chief Secretary/health Secretary of the State.*
 - (b) *MHFW may thereafter, at any time in 2017-2018, direct inspection to verify the compliance submitted by the college and*
 - (c) ***In default of the conditions (a) and (b) above, and if the compliances are found incomplete in the inspection to be conducted at the instance of MHFW, the college will be debarred from fresh intake of students for 2 years commencing 2018-2019..”***

The Executive Committee of the Council considered the letter dated 23.04.2018 received through an email dated 24.04.2018 from the Under Secretary to the Govt. of India, Ministry of Health & F.W., Nirman Bhawan, New Delhi along with an undertaking of the Secretary, Health & Family Welfare Department, Government of Odisha dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch (100 seats) of Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 subject to withdrawal of the conditions stipulated by the Central Government at (c) in its communication dated 31.5.2017.

Accordingly, the Ministry of Health & F.W. is recommended to issue letter of renewal of permission for the Academic Year 2018-19 after withdrawing the conditions stipulated by the Central Government at (c) in its communication dated 31.5.2017.

100. Renewal of permission for MBBS course for 2nd batch (150 seats) of Adesh Medical College & Hospital, Shahabad, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of Adesh Medical College & Hospital, Shahabad, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that an Assessment for renewal of permission for MBBS course for 2nd batch (150 seats) of Adesh Medical College & Hospital, Shahabad, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 was conducted by the Council Assessors on 14th & 15th September, 2017. The

Assessment Report was considered by the Executive Committee of the Council at its meeting held on 26.09.2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report (14th and 15th September, 2017) and noted the following:

1. Deficiency of faculty is 15.95 % as detailed in the report .
2. Shortage of Residents is 48.93 % as detailed in the report .
3. In respect of Dr .Harsimaran Singh, Senior Resident in General Medicine; Dr . Ankush Singla, Senior Resident in General medicine and Dr .Samrat S . Shogal, Junior Resident in General Medicine, morning & afternoon signatures are not matching .
4. Night duty list was provided at 12:50 p.m .after completion of morning attendance .
5. Bed Occupancy is 11 % at 10 a.m .on day of assessment .
6. Two Paediatric patents were kept in Burns 'ward even though they were not cases of Burns .
7. Histopathology-On verification in the Register for the date 13.9.2017, name of 05 patients)Gaurav Reg.No .111331 Breast tissue, Harjinder Sing Reg.No . 110982 Gall Ballder tissue, Hemant Rao Reg.No .110996 Hernia, Rajo Reg.No .110998 Breast tissue, Barat Singh Reg .No .111018 Prostate tissue) was there .But on physical verification only Breast tissue of Gaurav was available.
8. Wards :Female Skin & VD ward, Female Tb & Chest ward, Female Ophthalmology ward were locked at time of visit .Male Ophthalmology ward has no Nursing station .
9. Casualty :Separate Casualty for O.G .is not available .Crash cart is not organized .Inj .Adrenaline with expiry date 09/05/2017 was kept in the drug tray .
10. ICUs :There were only 2 patients in MICU .
11. Examination Hall :It is under construction .
12. Pathology department :Museum is not functional .Audiovisual aids are not available in Demonstration room .
13. Microbiology department :Practical laboratory is not furnished .Museum is not functional .Audiovisual aids are not available in Demonstration room .
14. Pharmacology department :Clinical Pharmacology laboratory is not furnished . Museum is not functional .Audiovisual aids are not available in Demonstration room .
15. Community Medicine department :Museum is not functional .Audiovisual aids are not available in Demonstration room .
16. RHTC :It is under construction .
17. UHC :It is under construction .
18. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt .not to renew the permission for admission of 2nd batch of 150 MBBS students at Adesh Medical College & Hospital, Shahabad, Haryana under Pt .B.D . Sharma University of Health Sciences, Rohtak u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 and further decided to apply clauses 8)3)(1)(a (and 8)3)(1)(d)of Establishment of Medical College Regulation Amendment,(2010(Part-II), dated 16th April, 2010 and amended on 18.03.2016 which reads as under:-
"8(3)(1).....

- (a) Colleges in the stage of Letter of Permission up to II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50% (45% in North East, Hilly terrain, etc.), compliance of recitification of deficiencies from such an institute will not be considered for issue of Letter of Permission(LOP)/renewal of permission in that Academic Year.

- (d) Colleges which are found to have employed teachers with faked/forged documents:

“If it is observed during any institute is found to have employed a teacher with faked/forged documents and have submitted the declaration form of such a teacher, such an institute will not be considered for renewal of permission/recognition for award of MBBS degree/processing the applications for postgraduate courses for two academic years i.e .that academic year and the next academic year also.

The Executive Committee decided to refer the matter to the Ethics Committee of the Council.”

On 09.10.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 25.10.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 01.11.2017.

The Executive Committee also observed that the Central Govt. had given personal hearing to the said College and vide letter dated 04.12.2017 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b), 8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr. Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the

Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the "Establishment of Medical College Regulations, 1999" and the "Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999" show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of "reasonable opportunity" mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration

even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations.

However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee also noted that the Council vide its letter dated 20.12.2017 has referred the case of Adesh Medical College & Hospital, Shahabad, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letters dated 03.01.2018 and 09.01.2018 has conveyed as under:-

“With reference to the above mentioned Council letters dated 20.12.2017, the Oversight Committee considered the subject matter on the basis of the documents furnished, in its Seventh meeting held on 02.01.2018 and decided as under:-

“As per the provisions of the MCI Regulations, up held by the Hon’ble Supreme Court, the recommendation of the MCI conveyed by the Council vide letters dated 20.12.2017 in all the above mentioned three cases is approved by the Oversight Committee....”

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 26.09.2017, that in view of application/invocation of Regulations 8(3)(1)(a) and 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Adesh Medical College & Hospital, Shahabad, Haryana under Pt. B.D. Sharma University of Health Sciences, Rohtak cannot be considered for renewal of permission for academic year 2018-19.

101. Establishment of new medical college at Chevella Village & Mandal Ranga Reddy District, Telangana (Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella Village, Ranga Reddy Dist. Telangana) by the Rinish Educational Society, Hyderabad u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Chevella Village & Mandal Ranga Reddy District, Telangana (Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella Village, Ranga Reddy Dist. Telangana) by the Rinish Educational Society, Hyderabad u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that an assessment of the physical and other teaching facilities available for grant of Letter of Permission for establishment of new medical college at Chevella Village & Mandal Ranga Reddy District, Telangana (Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella Village, Rangareddy Dist., Telangana) by the Rinish Educational Society, Hyderabad with an annual intake of 150 MBBS students under Kaloji Narayan Rao University of Health Sciences, Warangal u/s 10A of the IMC Act, 1956 for the academic year 2018-19 was carried out by the Council Assessors on 7th & 8th November, 2017. The said assessment report (7th & 8th November, 2017) was considered by the Executive Committee of the Council at its meeting held on 14/12/2017 and it was decided as under:-

“The Executive Committee of the Council considered the assessment report (7th and 8th November, 2017) and noted the following:-

1. *Deficiency of faculty is 15.38 % as detailed in the report.*
2. *Shortage of Residents is 32.60 % as detailed in the report.*
3. *Bed Occupancy at 10 a.m. on day of assessment was 15 %.*
4. *None of patients admitted in General Surgery & allied branches had any indication for Surgery. None of patients admitted in General Medicine were receiving IV fluids or O₂.*
5. *There was NIL Major & NIL Minor Operation on day of assessment.*
6. *There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.*
7. *OPD: Minor O.T. is not functional. Dressing rooms for males/females are not functional. Orthopaedics OPD is not functional. Plaster Cutting room is not functional. Dark room, Minor Procedure room in Ophthalmology OPD are not functional. All Special clinics in Paediatrics & OG OPD are not functional.*
8. *Speech Therapy is not functional.*
9. *Casualty: Separate Casualty for O.G. is not available.*
10. *O.T.: NIL O.T. was functional. No operation was going on in any O.T. at time of visit.*
11. *ICUs: NICU/PICU are not available. There was NIL patient in ICCU or any ICUs.*
12. *Labour room: Septic & Eclampsia rooms are not available.*
13. *CSSD: It is not functional.*
14. *Intercom is not available.*
15. *Lecture Theaters: They are not fully functional. They are not furnished. Electric supply is not available. Audio Visual aids are not available.*
16. *Central Library: There are NIL chairs in Central Library. NIL Journals are available against requirement of 20.*
17. *Students' Hostels: They are not furnished. Visitors' room, A.C. Study room with Computer & Internet are not available.*
18. *Residential Quarters: They are under construction.*
19. *Recreational facilities are not available.*
20. *Anatomy department: In Museum, Mounted specimens are not available. MRI & CT films are not available. Cadavers are not available.*
21. *Biochemistry department: Audiovisual aids are not available.*
22. *Website: Citizens' Charter is not available.*
23. *Pharmaco Vigilance Committee is not constituted.*
24. *Other deficiencies as pointed out in the assessment report.*

The Executive Committee noted that Regulation 8(3)(1)(a) (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under-:

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation, 1999 and disapprove the application for establishment of a new medical college at Chevella Village & Mandal Ranga Reddy District, Telangana (Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella Village, Rangareddy Dist., Telangana) by the Rinish Educational Society, Hyderabad with an annual intake of 150 MBBS students under Kaloji Narayan Rao University of Health Sciences, Warangal u/s 10A of the IMC Act, 1956 for the academic year 2018-19.”

The Executive Committee further observed that on 15.12.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 03.01.2018 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council’s letter dated 06.01.2018.

The Central Govt. had given personal hearing to the said College and vide letter dated 26.02.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon’ble Supreme Court and Hon’ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon’ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI &Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“.....

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central

Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission“ for that academic year. However, by „precluding consideration even of the application for renewal permission“, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of “reasonable opportunity” mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of “reasonable opportunity”.

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed there under, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Executive Committee also observed that the Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided there under is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”.

However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha Siksha Pratisthan & Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha Siksha Pratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced herein below:

“.....

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme

Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee also noted that the Council vide its letters dated 07.03.2018 and 23.03.2018 has referred the case of Establishment of new medical college at Chevella Village & Mandal Ranga Reddy District, Telangana (Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella Village, Ranga Reddy Dist. Telangana) by the Rinish Educational Society, Hyderabad to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letters dated 02.04.2018 has conveyed as under:-

“...The Oversight Committee considered the MCI's recommendation and the documents furnished to the OC.

The Oversight Committee's decision and observations are as under:-

The Oversight Committee approves the Council's recommendations contained in the above mentioned three letters. The Oversight Committee has desired Council to

follow the provisions of the Regulations and the directions of the Hon'ble Supreme Court (in similarly placed cases) in the above mentioned cases. The Oversight Committee also reiterates that the Oversight Committee is not empowered to Over-rule the provisions contained the MCI Regulations. Therefore, in future no such proposal, which is not consistent with the provisions of the Regulations, should be sent to the Oversight Committee for advice."

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 14.12.2017, that in view of application/invocation of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, recommending to the Central Govt. to disapprove the application for establishment of a new medical college at Chevella Village & Mandal Ranga Reddy District, Telangana (Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella Village, Rangareddy Dist., Telangana) by the Rinish Educational Society, Hyderabad with an annual intake of 150 MBBS students under Kaloji Narayan Rao University of Health Sciences, Warangal u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

102. Establishment of new medical college at Uttar Pradesh (Naraina Medical College & Research Centre, Kanpur, U.P.) by Shree DurgaMaa Shiksha Sewa Samiti, Kanpur, U.P. with an annual intake of 150 MBBS students under ChatrapatiShahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Uttar Pradesh (Naraina Medical College & Research Centre, Kanpur, U.P.) by Shree DurgaMaa Shiksha Sewa Samiti, Kanpur, U.P. with an annual intake of 150 MBBS students under ChatrapatiShahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that in compliance of the Order dated 09.10.2017 passed by the Hon'ble Supreme Court in Writ Petition (c) No. 868/2017 filed by Shri Durga Maa Shiksha Sewa Samiti (Regd) Vs. Union of India & Anr., an assessment of the physical and other teaching facilities available for grant of Letter of Permission for Establishment of new medical college at Uttar Pradesh (Naraina Medical College & Research Centre, Kanpur, U.P.) by Shree Durga Maa Shiksha Sewa Samiti, Kanpur, U.P. with an annual intake of 150 MBBS students under Chatrapati Shahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 had been carried out by the Council Assessors on 5th & 6th December, 2017. The assessment report (5th & 6th December, 2017) was considered by the Executive Committee of the Council at its meeting held on 14/12/2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report (5th and 6th December, 2017) carried out in compliance of the Order dated 09.10.2017 passed by the Hon'ble Supreme Court in Writ Petition (c) No. 868/2017 filed by Shri Durga Maa Shiksha Sewa Samiti (Regd) Vs. Union of India & Anr., and noted the following:

1. Deficiency of faculty is 46.15 % as detailed in the report.
2. Shortage of Residents is 54.34 % as detailed in the report.
3. Blood Bank is not available.
4. Wards: Demonstration rooms are not available.
5. ICUs: There was only 1 patient each in ICCU & all ICUs.
6. Central Library: it is not air-conditioned.
7. Other deficiencies as pointed out in the assessment report.

The Committee also perused the letter from the Assessor dated nil stating as under:-

"We already carried out the said assessment and sent report. We like to mention a few points:-

- “1. From the very beginning of the assessment the college authority including the Management people used tremendous pressure on us and often using abusive languages and threats, particularly by some one named Mr. Udit Narayan.
2. As our intention was to complete the assessment smoothly and safely (my concern as a Coordinator was particularly for our Madam Co assessor), we could not reflect the exact scenarios in our report.
3. We like to mention two areas:-
 - A) Inflated clinical data regarding bed occupancy and OPD attendance – Videos taken by us shown empty OPDs and non genuine patients,. Samples of Videos already sent to you by Email (Whole videography included with this letter).
 - B) We suspect some of the faculties and Residents had mismatch signatures (11 am signature and verification signature –Scanned copy already sent with report and via Email to you). As we had no way to confirm it, we had to accept those doctors (List of Doctors names & departments attached).”

The Executive Committee therefore decided that opinion from Ld. Additional Solicitor General be obtained with regard to steps which can be taken against the Institute for behaving in threatening and abusive manner and trying to assault the assessors, particularly against a lady assessor.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Uttar Pradesh (Naraina Medical College & Research Centre, Kanpur, U.P.) by Shree DurgaMaa Shiksha Sewa Samiti, Kanpur, U.P. with an annual intake of 150 MBBS students under ChatrapatiShahu Ji Maharaj University, Kanpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year and further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

The Committee further decided to refer the matter to the Ethics Committee of the Council.”

The Executive Committee further observed that on 15.12.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 03.01.2018 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 06.01.2018.

The Central Govt. had given personal hearing to the said College and vide letter dated 26.02.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI &Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

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F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for

renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of "reasonable opportunity" mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

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L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed there under, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners no where in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P.

(C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided there under is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha Siksha Pratisthan & Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha Siksha Pratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the

validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced herein below:

“.....
9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.
.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the

medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee also noted that the Council vide its letters dated 07.03.2018 and 23.03.2018 has referred the case of Establishment of new medical college at Uttar Pradesh (Naraina Medical College & Research Centre, Kanpur, U.P.) by Shree Durga Maa Shiksha Sewa Samiti, Kanpur, U.P. under Chatrapati Shahu Ji Maharaj University, Kanpur to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letters dated 02.04.2018 has conveyed as under:-

"...The Oversight Committee considered the MCI's recommendation and the documents furnished to the OC.

The Oversight Committee's decision and observations are as under:-

The Oversight Committee approves the Council's recommendations contained in the above mentioned three letters. The Oversight Committee has desired Council to follow the provisions of the Regulations and the directions of the Hon'ble Supreme Court (in similarly placed cases) in the above mentioned cases. The Oversight Committee also reiterates that the Oversight Committee is not empowered to Over-rule the provisions contained the MCI Regulations. Therefore, in future no such proposal, which is not consistent with the provisions of the Regulations, should be sent to the Oversight Committee for advice."

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 14.12.2017, that in view of application/invocation of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, decided to return the application for establishment of a new medical college at Uttar Pradesh (Naraina Medical College & Research Centre, Kanpur, U.P.) by Shree DurgaMaa Shiksha Sewa Samiti, Kanpur, U.P. with an annual intake of 150 MBBS students under ChatrapatiShahu Ji Maharaj University, Kanpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

103. Renewal of permission for MBBS course for 2nd batch (150 seats) of Dr. M.K. Shah Medical College & Research Centre, Ahmedabad, Gujarat under Gujarat University, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 2nd batch (150 seats) of Dr. M.K. Shah Medical College & Research Centre, Ahmedabad, Gujarat under Gujarat University, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that an assessment for renewal of permission for MBBS course for 2nd batch (150 seats) of Dr. M.K. Shah Medical College & Research Centre, Ahmedabad, Gujarat under Gujarat University, Ahmedabad u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 was conducted by the Council Assessors on 26th & 27th September, 2017. The assessment report was considered by the Executive Committee of the Council at its meeting held on 25.10.2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report)26/27.09. 2017 (and representation dated 25.10.2017 received from the Dean of the college and noted the following:-

1. Deficiency of faculty is 6.4 %as detailed in the report .
2. Departments of Pathology, Pharmacology, Forensic Medicine, Microbiology & Community Medicine are under construction .
3. Bed Occupancy is 32.6 %at 10 a.m .on day of assessment .
4. There was NIL Delivery on day of assessment .Obstetric workload is less .
5. O.T :.Central O₂ and Central Suction are not available .
6. ICUs :Central O₂ and Central Suction are not available .There was NIL bed occupied in ICCU, SICU, PICU on day of assessment .
7. MRD :It is manual .ICD X classification of diseases is partially followed .
8. Examination Hall :It is under construction .
9. Central Photography Section :Staff & Equipment are not available .
10. Students' Hostels :Half of the rooms are not furnished .
11. Residential Quarters :Available quarters for the faculty are 16 against requirement of 20 .Available quarters for Non-teaching staff are 24 against requirement of 32 .
12. Audiometry & Speech Therapy are not available .
13. RHTC :None of 3 PHCs is developed into RHTC .Administrative control is still with the Government .
14. UHC :It is not developed .
15. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation, 1999 and disapprove the application of Dr .M.K .Shah Medical College & Research Centre, Ahmedabad, Gujarat under Gujarat University, Ahmedabad u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 2nd batch)150 seats(for the academic year 2018-2019.”

The Executive Committee further observed that on 31.10.2017, the minutes of the Executive Committee were sent to the Oversight Committee and decision taken, therein, for approval. The Oversight Committee vide its letter dated 16.11.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 21.11.2017.

The Central Govt. had given personal hearing to the said College and vide letter dated 21.12.2017 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI &Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“.....

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of “reasonable opportunity” mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies

which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

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48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the

defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that "the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies". However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

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9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division

Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

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It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

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As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 30.01.2018 has referred the case of Dr. M.K. Shah Medical College & Research Centre, Ahmedabad, Gujarat under Gujarat University, Ahmedabad to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 19.02.2018 has conveyed as under:-

“Please refer to Medical Council of India letter dated 31.01.2018, on the above mentioned subjects, the Oversight Committee considered the Council’s proposal and documents furnished to it. The Oversight Committee has approved the Council’s proposal contained in the above mentioned letters”.

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 25.10.2017, that in view of application/invocation of Regulations 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Dr .M.K .Shah Medical College & Research Centre, Ahmedabad, Gujarat under Gujarat University, Ahmedabad cannot be considered for renewal of permission for academic year 2018-19.

104. Renewal of permission for MBBS course for 5th batch (150 seats) of F.H. Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (150 seats) of F.H. Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that an assessment for renewal of permission for MBBS course for 5th batch (150 seats) of F.H. Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 was carried out by the Council Assessors on 18th& 19th August, 2017. The assessment report was considered by the Executive Committee of the Council at its meeting held on 26.09.2017 and it was decided as under:-

“The Executive Committee of the Council considered the assessment report (18th and 19th August, 2017) along with a letter dated 21.08.2017 received from the college authorities and noted the following:

1. *Teaching beds are inadequate as under :*

#	Department	Beds		
		Required	Available	Deficit
1	General Medicine	150	143	07
2	Paediatrics	90	52	38
3	General Surgery	150	90	60
4	Orthopaedics	90	45	45
5	O.G.	90	60	30
	TOTAL			180

2. *Bed Occupancy is 62.61 % at 10 a.m .on day of assessment .*
3. *There was NIL Normal Delivery & 1 Caesarean Section on day of assessment .*
4. *Histopathology workload is only 02 & Cytopathology workload is only 05 on day of assessment .*
5. *OPD :In Paediatrics OPD, Immunization clinic is not available .*
6. *O.T :.There are 2 tables in 2 O.T.s which is not as per norms .*
7. *MRD :It is partly computerized .*
8. *RHTC :Residential accommodation comprises of 6/7 seater rooms which is not as per Regulations .*

9. MEU :No Orientation programme or Base course workshop is organized during the year .Reports of faculty who have undergone advanced course workshop are not available .
10. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch of 150 MBBS students at F.H. Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016 which reads as under:-

8(3)(1).....

(b) Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of MBBS degree

If it is observed during any inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <65%, compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic year."

The Executive Committee further observed that on 09.10.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 25.10.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 01.11.2017.

The Central Govt. had given personal hearing to the said College and vide letter dated 05.12.2017 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b), 8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

"....."

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that "the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies". However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission" for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to in spite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid

is precluded from „considering the applicant medical college for renewal permission“ for that academic year. However, by „precluding consideration even of the application for renewal permission“, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of “reasonable opportunity” mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of “reasonable opportunity”.

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would

certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of

Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. &C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“.....”

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges.The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the

Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 20.12.2017 has referred the case of F.H. Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letters dated 03.01.2018 and 09.01.2018 has conveyed as under:-

“With reference to the above mentioned Council letters dated 20.12.2017, the Oversight Committee considered the subject matter on the basis of the documents furnished, in its Seventh meeting held on 02.01.2018 and decided as under:-

“As per the provisions of the MCI Regulations, up held by the Hon’ble Supreme Court, the recommendation of the MCI conveyed by the Council vide letters dated 20.12.2017 in all the above mentioned three cases is approved by the Oversight Committee.....”

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 26.09.2017, that in view of application/invocation of Regulations 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of F.H. Medical College, Firozabad, Uttar Pradesh under Dr. Bhimrao Ambedkar University, Agra cannot be considered for renewal of permission for academic year 2018-19.

105. Renewal of permission for MBBS course for 3rd batch (150 seats) of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that an assessment for renewal of permission for MBBS course for 3rd batch (150 seats) of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 had been carried out by the Council Assessors on 09th & 10th October, 2017. The Assessment Report was considered by the Executive Committee of the Council at its meeting held on 22.11.2017 and it was decided as under:-

“The Executive Committee of the Council considered the assessment report)9th and 10th October, 2017 (alongwith letter/representation dated 11.10.2017 from the Dean of the institute and noted the following:-

1. Deficiency of faculty is 8 % as detailed in the report .
2. Shortage of Residents is 44.89 % as detailed in the report .
3. Dr .S.L .Kantharia, Medical Superintendent has only 7 years administrative experience against 10 years required .
4. Teaching Beds:
 - (a) In the department of General Medicine, out of 54 admission, as many as 39 are not to be considered for reasons mentioned against the names of the patient: Juber Pathan-admitted as enteric fever, on asking the patient, he says he has cough. Phool Singh-APD on IV drip for no reason, Surendra-enteric fever without any investigation, Virendra Singh-UTI on IV drip. Bhagwati-receiving all kinds of pain killers despite having no significant pain, Nirala admitted with enteric fever but on asking says she has pain in ear, Suraj Bai only OPD slip and no case file, Anar Bai-same, Salma Bee-Enteric fever having no case file just lying on bed, Bulbul admitted with headache on IV drip, Jyoti admitted with abdominal pain without any evidence clinical or lab, Misher Bai admitted with pain abdomen having empty file, Puni Bai admitted with bodyache, Krishna Bai admitted with UTI whereas Urine exam is normal as although normal USG report is enclosed in the file yet was told that she has gone for USG, Jamila Bai having UTI and on IV drip, Gajji Bai having Bodyache, Jamuna Bai admitted with cough but tells that she has generalized body ache, Bhuri Bai-admitted for 5-6 days but ECG is essentially normal and patient gives h/o suggestive of APD, Kala Bai having no case file, Madan Bai having URTI, Soram having body ache, Rekha admitted with fever but afebrile. Madhar, Ram Prasad, Mangi Lal, Manohar and Goverdhan were all admitted today without any specific illness. Their case files were totally without any writing. 3 Saline bottles of 100 ml each were lying near a patient Jagannath. What for? Nobody could explain. Allah Baksh was admitted with diagnosis of IBD but on asking the patient, he told that he has vertigo. Hari Singh having UTI did not have any case file. Vikram Singh was admitted with Pul TB without any x-ray or anti TB treatment. Keshar was admitted with diagnosis of hypertension and still was being administered IV Normal saline. Kishan lal was admitted with low backache in medicine. Mubarik having UTI was admitted in Medicine. Radhey Shyam was admitted as a case of post-traumatic chest pain in medicine and no x-ray was done. Shiv Narain was admitted with cataract in medicine ward having empty file. Jagdish was admitted with cataract and swelling in right knee in Medicine ward having empty case files.
 - (b) In the department of Pediatrics, out of 14 admissions on 24 beds, following patients did not merit admission in pediatric medicine: Anurag having Hemangioma, Sharmila, Bulbul, Radhika, Devraj all admitted with lacrimation. Anurag having bony deformity, Priti having whitish discharge PV, Vandana having pain B/L legs and Abhishek having headache.
 - (c) In the department of General Surgery, following patients are not to be counted as they are not worth hospitalization by any standard of care as no intervention is contemplated: Sama Bee having normal USG, Shakuntala having fibrocystic

disease of breast, Sumita admitted with blk uterus in Surgery, Sangeeta admitted with abdominal pain and USG being normal, Laxmi with intestinal colic and no investigations, Krishna Bai having UTI, Kailash having amebic colitis, Sajan Bai with abdominal pain and no work up. In one surgical ward, 4 admissions without any writeup or documentation.

- (d) In the department of Orthopaedics, following patients are not to be counted as they do not need hospitalization and they have been admitted for just increasing the Noorjahan admitted with DVT in Ortho, Sukan having sero negative Rheumatoid arthritis, Kanta Bai with low backache having empty file. Similarly Naseem, Shena Bai having low backache, Devi Singh having polyarthralgia as also Meher Bai. Tota Ram having osteoarthritis, Tawar Singh having pain both knees, Bhanwar Singh having pain neck and Rama admitted with septic knees without slightest clinical evidence of it.
- (e) In the department of Ophthalmology, Dhapu Bai had no eye problem but only cough.
- (f) In the department of Obst. & Gyn., out of total 30 cases on 40 beds, 7 were admitted today in one ward and 9 in another ward.
5. In view of patients not requiring admission as shown above, genuine Bed Occupancy is 40 –42 .%
 6. Following cases shown in the OT list of Surgery are unethical and highly unacceptable by any standard of care world over for any institute. This kind of practice is definitely going to produce inferior quality of medical graduates:
 - (i) Arsh – 4 years/M - Congenital hernia with hydrocele posted for herniotomy with eversion of sac.
 - (ii) Chandra Kanta-35 years/F-multiple breast lump posted for excision Reconstruction (What reconstruction?)
 - (iii) Chinta Bai-34 Years/F – Fibroadenoma posted for excision Reconstruction (What reconstruction?)
 - (iv) Kamal-45 Years/F – Lipoma posted for excision and Reconstruction (What reconstruction?)
 7. Majority of cases operated were not of the standard of a teaching hospital .
 8. Data of OPD attendance, Minor Operations given by the Institute are inflated .
 9. Casualty :Disaster Trolley is not available .Available Inj .Dopamine had expiry date overdue .
 10. ICUs :There was only 1 patient in SICU .
 11. Blood Bank: None of the patients in any surgical or Orthopaedics ward was receiving blood or blood units were kept in the ward. On physical cross check in presence of Medical Superintendent, Asstt. Medical Supdt., and Technician of the Blood Bank who issued these blood units, none of the patient was found in the ward suggesting all false entries in the issue register.
 12. MRD is manual .
 13. CPC is not held .
 14. RHTC :There is no control of Dean .
 15. Dr. Amit Yadav, Asstt. Medical Supdt. – interfered a lot during the assessment process by frequently showing various rules and regulations of MCI and pleading several times that such and such faculty/resident has been accepted in earlier MCI inspections not only here but elsewhere.
 16. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8(3)(1)(a) (of the Establishment of Medical College Regulation, 1999 and disapprove the application of the Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch)150 seats(for the academic year 2018-2019.”

The Executive Committee further observed that on 28.11.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 14.12.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 15.12.2017.

The Central Govt. had given personal hearing to the said College and vide letter dated 16.02.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr. Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to

straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the "Establishment of Medical College Regulations, 1999" and the "Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999" show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of "reasonable opportunity" mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an

opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“.....

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of. As a sequel to the above, pending interlocutory applications, if any, stand disposed of."

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 23.02.2018 has referred the case of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 08.03.2018 has conveyed as under:-

In view of the provision of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999 referred above, wherein it is provided that "compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic year. "; it is not permissible in law for the Council to consider the compliance/ representation submitted by the College."

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 22.11.2017, that in view of application/invoke of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur cannot be considered for renewal of permission for academic year 2018-19.

106. Renewal of permission for MBBS course for 3rd batch (150 seats) of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that in reference to the conditional approval granted by the Central Govt. in the light of directive/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 issued by the Central Govt. for establishment of new medical college at Bhilai, Chhattisgarh by Shri Gangajali Education Society,

Bhilai, Chhattisgarh with an annual intake of 150 MBBS students under Chhattisgarh Ayush and Health Sciences, University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 was carried out by the Council Assessors on, 16th & 17th December, 2016. The assessment report (16th & 17th December, 2016) was considered by the Executive Committee at its meeting held on 13.01.2017 and it was decided as under:-

“

The Executive Committee of the Council further noted that in reference to conditional approval granted by the Central Govt. in the light of directive/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 for establishment of new medical college at Bhilai, Chhattisgarh by Shri Gangajali Education Society, Bhilai, Chhattisgarh with an annual intake of 150 MBBS students under Chhattisgarh Ayush and Health Sciences, University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 has been carried out by the Council Assessors on 16th & 17th December, 2016. The Executive Committee considered the assessment report dated 16th and 17th Dec.2016 alongwith letter/representation dated 19/12/2016 from the Dean, Shri Shankaracharya Institute of Medical Sciences, Bhilai and noted the following:-

1. Deficiency of faculty is 10.60 % as detailed in the report .
2. Shortage of Residents is 15.21 % as detailed in the report .
3. In General Medicine ward, some patients did not require hospitalization; E.g . Bodyache, Dyspepsia, Giddiness, etc .In General Surgery ward, some patients are such who do not require hospitalization; E.g .Simple wound dressing, etc . One patient who required Dental intervention was admitted in General Surgery ward .
4. OPD attendance was 540 at 2 p.m .on day of assessment against requirement of 600 as per Regulations .
5. There was NIL Minor Operation on day of assessment .
6. Radiological investigations workload is grossly inadequate .USG workload was NIL on day of assessment .
7. Laboratory investigations workload is inadequate .There was NIL Microbiological & Serological investigations on day of assessment .
8. Histopathology & Cytopathology workload was NIL on day of assessment .
9. Wards :Space between 2 beds is < 1.5 m in Orthopaedics ward .Nursing station is unsatisfactory in several wards .
10. Casualty :Separate Casualty for O.G .is not available .Casualty attendance & admissions are sub-optimal .
11. There are only 2 Pre-operative beds .
12. ICUs :There was NIL patient in SICU & only 1 patient each in NICU/PICU on day of assessment .Out of 2 patients in ICCU, 1 was of Glomerulonephritis & another was of Hemiparesis .
13. Labour room :Septic Labour room is located away from Labour room .
14. MRD :It is partially computerized .
15. Central Photography Section :Equipment is inadequate .There is no staff .
16. Students 'Hostels :There is no hostel for medical students as such . Engineering college hostel is used for accommodating medical students by creating partitions.
17. Nurses 'Hostel :No hostel for Nurses is available as such .They are accommodated on ground floor of Engineering students 'hostel .
18. Pharmaco Vigilance Committee :No meeting is held .
19. MEU :It is not available.
20. College Council :NIL meeting is held.
21. .Other deficiencies as pointed out in the assessment report

In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 11/08/2016. The Executive Committee, after due deliberation and discussion, have decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 11/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new

medical college at Bhilai, Chhattisgarh by Shri Gangajali Education Society, Bhilai, Chhattisgarh under Chhattisgarh Ayush and Health Sciences, University, Raipur, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed.

The decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 15.01.2017 with copy to the Oversight Committee.

After considering the recommendation of MCI, Hearing reports of the DGHS & views of the OC, the Central Govt. vide its letter dated 31.05.2017 debarred the college from admitting students for two academic years i.e. 2017-18 and 2018-19 and also authorized MCI to encash the bank guarantee of Rs. 2.00 crore.

The Executive Committee further observed that aggrieved by the decision of the MCI/ Central Government, the college authorities had filed W.P. (C) No. 1665 of 2017 in the Hon'ble High Court of Chhattisgarh which was disposed on 03.08.2017 with the following directions:-

"...Accepting the submissions of learned counsel appearing for the parties, the present writ petition is disposed off in terms if para 22 to 25 of the judgement of the Supreme Court in Global Medical College and Super Specialty Hospital & research Centre (Supra). No order as to cost(s)."

In compliance of direction of the Hon'ble High Court dated 03.08.2017, the Central Government had granted hearing to the college authorities and after consideration the recommendation of the hearing Committee, the Central Government had passed Order dated 14.08.2017 wherein the Central Govt. had reiterated its earlier decision dated 31.05.2017 to debar the college from admitting students for two academic years i.e. 2017-2018 and 2018-2019 and also authorized MCI to encash the bank guarantee of Rs. 2.00 crore.

Thereafter, the college authorities had filed Writ Petition (C) No. 709/2017 before the Hon'ble Supreme Court when the Hon'ble Supreme Court vide its Order dated 31.08.2017 was pleased to pass the following Order:-

".....We, accordingly, quash and set aside the impugned decision to the extent it bars the petitioners to admit upto 150 students for the academic session 2017-18. Instead, we direct the respondents to permit the petitioners' college to take part in the current-year counselling process which is still in progress. The cut-off date for completing the admission in respect of the petitioners' college, however, will stand extended till 5th September, 2017. The respondents shall make available students willing to take admission in the petitioners' college through central counselling, in order of their merit. This direction is being issued in exercise of plenary powers of this Court under Article 142 of the Constitution of India, in the peculiar facts of the present case, to do complete justice and in the larger public interest, so that aspiring students who have not been admitted to the 1st year MBBS course for the academic session 2017-18, in order of their merit in NEET examination, will get an opportunity 11 to be admitted in the petitioner college. At the same time, we make it clear that the MCI or the Competent Authority of the Central Government is free to inspect the petitioners' college as and when deemed fit and, if any deficiency is found after giving opportunity to the petitioner's college, it may suitably proceed against the said college in accordance with law. This arrangement will subserve the ends of justice."

Accordingly, in compliance of the above order dated 31.08.2017 of the Hon'ble Supreme Court, the Central Govt. vide its order dated 31.08.2017 granted permission to the college authorities to admit students for the academic year 2017-18 with 150 seats.

The Executive Committee also observed that an assessment for renewal of permission for MBBS course for 3rd batch (150 seats) of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year

2018-2019 had been carried out by the Council Assessors on 09th& 10th October, 2017. The assessment report was considered by the Executive Committee of the Council at its meeting held on 22.11.2017 and it was decided as under:-

“The Executive Committee of the Council considered the assessment report)9th and 10th October, 2017 (and noted the following:-

1. Deficiency of faculty is 28 %as detailed in the report .
2. Shortage of Residents is 32.65 %as detailed in the report .
3. Bed Occupancy was 22.66 %at 10 a.m .on day of assessment .
4. Data of Minor Operations was not provided .
5. Departments of Pathology, Pharmacology, Microbiology, Forensic Medicine, Community Medicine are under construction .
6. CT Scan is not available .
7. Radiological & Laboratory investigations workload is grossly inadequate .
8. ICUs :There was NIL patient in ICCU, MICU, SICU on day of assessment .
9. Only 2 Static X-ray machines are functional against requirement of 3 .
10. Central Research Laboratory is not available .
11. Website :Toll free number to report ragging is not available .Information uploaded is sketchy as detailed in the report .
12. Students 'Hostels :Available accommodation is for 231 students against requirement of 339 .
13. Residents 'Hostels :Available accommodation is for 48 students against requirement of 49 .
14. Residential Quarters :35 quarters are available for Non-teaching staff against requirement of 36 .
15. RHTC :It is not functional .
16. UHC :It is not functional .
17. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation, 1999 and disapprove the application of the Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush& Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch)150 seats(for the academic year 2018-2019.”

The Executive Committee also observed that on 28.11.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 14.12.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 15.12.2017.

The Central Govt. had given personal hearing to the said College and vide letter dated 10.01.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of

Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed

occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of “reasonable opportunity” mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of “reasonable opportunity”.

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon’ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the

deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs.

Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“.....
9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.
.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and

the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 31.01.2018 has referred the case of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 19.02.2018 has conveyed as under:-

“Please refer to Medical Council of India letter dated 31.01.2018 on the above mentioned subjects, the Oversight Committee considered the Council’s proposal and documents furnished to it. The Oversight Committee has approved the Council’s proposal contained in the above mentioned letters”.

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 22.11.2017, that in view of application/invocation of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush & Health Sciences University, Raipur cannot be considered for renewal of permission for academic year 2018-19.

107. Renewal of permission for admission of 3rd batch of 150 MBBS students at Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students at Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

The Executive Committee of the Council observed that in reference to the conditional approval granted by the Central Govt. in the light of directive/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 issued by the Central Govt. for establishment of new medical college at Manamai – Nellur, Tamilnadu by Ponnaiyah Institute of Medical Sciences & Technology Trust, Tamilnadu with an annual intake of 150 MBBS students under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 was carried out by the Council Assessors on 28th & 29th December, 2016. The assessment report (28th & 29th December, 2016) was considered by the Executive Committee at its meeting held on 13.01.2017 and it was decided as under:-

“

The Executive Committee further noted that in reference to conditional approval granted by the Central Govt. in the light of directives/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 for establishment of new medical college at Manamai – Nellur, Tamilnadu by Ponnaiyah Institute of Medical Sciences & Technology Trust, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 has been carried out by the Council Assessors on 28th and 29th December, 2016. The Executive Committee considered the assessment report dated 28th & 29th December, 2016 along with letters/representation of the college authorities dated 28/12/2016, 29/12/2016 and 30/12/2016 and noted the following:-

1. Deficiency of faculty is 22.72 % as detailed in the report.
2. Shortage of Residents is 28.26 % as detailed in the report.
3. Bed Occupancy is 42.33 % at 10 a.m. on day of assessment as under :

#	Department	Beds	
		Available	Occupied
1	General Medicine	72	26
2	Paediatrics	24	06
3	Tb & Chest	08	04
4	Psychiatry	08	00
5	Skin & VD	08	07
6	General Surgery	90	45
7	Orthopaedics	30	15
8	Ophthalmology	10	02
9	ENT	10	06
10	O.G.	40	16
	TOTAL	300	127

4. Most of admitted patients did not merit to be admitted .In General Medicine ward, some patients were admitted for complaints of fever, headache, etc.
5. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
6. Cytopathology workload is NIL .Histopathology workload is only 01.
7. ICUs :There was NIL patient in NICU/PICU, only 1 patient each in ICCU; SICU and only 2 patients in MICU on day of assessment .Both patients in MICU were of Hypertension not meriting admission in MICU.
8. There were only 03 Major & 03 Minor Operations on day of assessment.
9. Radiological workload as observed by assessor is inadequate.
10. OPD attendance of 649 as claimed by the Institute and number of Laboratory investigations appear to be inflated data.
11. Other deficiencies as pointed out in the assessment report

In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 11/08/2016. The Executive Committee, after due deliberation and discussion, has decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 11/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Manamai – Nellur, Tamilnadu by Ponnaiyah Institute of Medical Sciences & Technology Trust, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed.

The decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 15.01.2017 with copy to the Oversight Committee.

After considering the recommendation of MCI, Hearing reports of the DGHS & views of the OC, the Central Govt. vide its letter dated 09.06.2017 debarred the college from admitting students for two academic years i.e. 2017-18 and 2018-19 and also authorized MCI to encash the bank guarantee of Rs. 2.00 crore.

The Executive Committee further observed that aggrieved by the decision of the MCI/Central Govt., the applicant filed W.P.(C) No. 438/2017 in the Hon'ble Supreme Court and the Hon'ble Supreme Court gave the following direction on 01.08.2017:-

"In the above persuasive premise, the Central Government is hereby ordered to consider the afresh the materials on record pertaining to the issue of confirmation or

otherwise of the letter of permission granted to the petitioner colleges/institutions. We make it clear that in undertaking this exercise, the Central Government would re-evaluate the recommendations / views of the MCI, Hearing Committee, DGHS and the Oversight Committee, as available on records. It would also afford an opportunity of hearing to the petitioner college/institutions to the extent necessary. The process of hearing and final reasoned decision thereon, as ordered, would be completed peremptorily within a period of 10 days from today. The parties would unfailingly co-operate in compliance of this direction to meet the frame fixed.

In compliance of direction of the Hon'ble High Court dated 01.08.2017, the Central Government had granted hearing to the college authorities and after consideration the recommendation of the hearing Committee, the Central Government had passed Order dated 10.08.2017 wherein the Central Govt. had reiterated its earlier decision dated 09.06.2017 to debar the college from admitting students for two academic years i.e. 2017-2018 and 2018-2019 and also authorized MCI to encash the bank guarantee of Rs. 2.00 crore.

Thereafter, said writ petition filed by the college authorities was listed before the Hon'ble Supreme Court on 22.09.2017 when the Hon'ble Supreme Court was pleased to pass the following Order:-

"...28. In the face of the above determination, we thus hold that the petitioner/college is not entitled to LOP for the academic year 2017-18 and the application/scheme, if submitted by it for the academic year 2017-18 would be treated as one for 2018-19. The petitioner/college however, would keep the bank guarantee deposited with the MCI alive and the MCI would not encash the same. Further the MCI would make a fresh inspection as per the Act/Regulations within a period of three months and apprise the petitioner/college with regard to the result thereof and if there are deficiencies, afford it an opportunity to remedy the same and thereafter proceed, as required under the Act and the Regulations. This inspection, we clarify, would be carried out for the purpose of LOP for the academic year 2018-19. Needless to say, after the MCI sends its recommendations to the Central Government, the latter would take a final decision in accordance with law, after affording an opportunity of hearing to the petitioner/college with the assistance of the Hearing Committee, as constituted. As the students admitted on the basis of LOP for the academic year 2016-17 are continuing with the studies in the petitioner/college, they would be, in the attendant facts and circumstances, allowed to continue their studies in the petitioner/college and would be permitted to continue till completion of the course.

29. The Writ Petition and I.A. No. 74486 of 2017 are disposed of."

The Executive Committee further observed that an assessment for renewal of permission for MBBS course for 3rd batch of 150 MBBS students at Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19 was carried out by the Council Assessors on 20th & 21st November, 2017. The Assessment Report was considered by the Executive Committee of the Council at its meeting held on 14.12.2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report)20th and 21st November, 2017(carried out in compliance of the Order dated 22.09.2017 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 438/2017 filed by Ponnaiyah Ramajayam Institute of Medical Sciences Vs. Union of India & Anr., alongwith a letter/representation dated 22.11.2017 from the college authorities and noted the following:-

1. *Deficiency of faculty is 20 % as detailed in the report.*
2. *Shortage of Residents is 12.24 % as detailed in the report.*
3. *OPD attendance at 2 p.m. on day of assessment was 666 against requirement of 750. Even this figure provided by Institute is inflated.*
4. *Bed Occupancy at 10 a.m. on day of assessment is 22 %.*
5. *Most of admitted patients had minor complaints which did not merit admission.*
6. *There was NIL patient in Casualty at time of visit on 1st day of assessment.*

7. There were only 2 Major Operations for the whole hospital on day of assessment.
8. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment. There was NIL Delivery after 11/11/2017.
9. CT Scan is not available.
10. Audiometry room is not sound proof. Speech therapy is not available.
11. Casualty: No CMO is posted.
12. ICUs: There was NIL patient in ICCU & all ICUs.
13. AERB approval is not available.
14. Central Research laboratory is not functional.
15. Examination Hall: 1 Examination Hall is available against 2 required.
16. Lecture Theaters: 2 Lecture theaters are available against requirement of 3. Hospital Lecture Theater is not available.
17. Central Library: It is partially air-conditioned. 16 Journals are available against requirement of 40.
18. Anatomy department: Only 8 cadavers are available.
19. RHTC: There is no independent RHTC. MOU is signed with a private Nursing home. Cold Chain equipment are not available.
20. UHC: No records of Specialists' visits are available.
21. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation, 1999 and disapprove the application of Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch)150 seats(for the academic year 2018-2019.”

The Executive Committee also observed that on 15.12.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 03.01.2018 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 06.01.2018.

The Central Govt. had given personal hearing to the said College and vide letter dated 23.01.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI &Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“.....

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of “reasonable opportunity” mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies

which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

....."

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

"....."

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the

defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that "the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies". However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

....."

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

"....."

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division

Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court. Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 15.02.2018 has referred the case of Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai under The Tamilnadu Dr. MGR Medical University, Chennai to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 28.02.2018 has conveyed as under:-

“Please refer to Medical Council of India letter dated 15.02.2018, on the above mentioned subjects, the Oversight Committee considered the Council's proposal and

documents furnished to it. The Oversight Committee has approved the Council's proposal contained in the above mentioned letters, which is as under:-

Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai

In view of the provision of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999 referred above, wherein it is provided that "compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that academic year", it is not permissible in law for the Council to consider the compliance/representation submitted by the College".

The Oversight has approved the above mentioned recommendations of the Council..."

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 14.12.2017, that in view of application/invoke of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Chennai under The Tamilnadu Dr. MGR Medical University, Chennai cannot be considered for renewal of permission for academic year 2018-19.

108. Renewal of permission for MBBS course for 3rd batch (100 seats) of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that in reference to the conditional approval granted by the Central Govt. in the light of directive/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 for establishment of new medical college at Akathumuri, Varkala, Thiruvananthapuram by S.R Educational & Charitable Trust, Kerala with an annual intake of 100 students under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 was carried out by the Council Assessors on 2nd & 3rd December, 2016. The assessment report (2nd & 3rd December, 2016) was considered by the Executive Committee at its meeting held on 22.12.2016 and it was decided as under:-

"....."

The Executive Committee of the Council further noted that in reference to conditional approval granted by the Central Govt. in the light of directives/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 for establishment of new medical college at Akathumuri, Varkala, Thiruvananthapuram by S.R Educational & Charitable Trust, Kerala with an annual intake of 100 students under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 has been carried out by the Council Assessors on 2nd & 3rd December, 2016. The Committee noted the following:-

1. Deficiency of faculty is 12.06 % as detailed in the report .
2. Medical Superintendent came late on day 1 and was not available till 11 a.m . on day 2 .
3. Shortage of Residents is 15.55 % as detailed in the report .
4. Bed Occupancy is 33.66 % at 10 a.m . on day of assessment .
5. There was only 1 Normal Delivery & NIL Caesarean Section on day of assessment .
6. ICUs : There was NIL patient in SICU, NICU/PICU & only 1 patient in ICCU & MICU each on day of assessment .
7. OPD attendance as claimed by institute at 625 is highly inflated .
8. Casualty attendance data as claimed by institute at 38 is highly inflated . There was not a single patient in Casualty during assessment .

9. Data of Major & Minor Operations as provided by institute are inflated .
10. Data of Radiological & Laboratory investigations as provided by institute are inflated .
11. ETO Sterilizer is not available .
12. Residents 'Hostel :Accommodation is available for 36 against requirement of 45 .
13. Nurses 'Hostel :Accommodation is available for 24 Nurses against requirement of 35 .
14. Residential Quarters :NIL quarters are available for Non-teaching staff in the campus .
15. Anatomy department :Only 4 cadavers are available which are inadequate.
16. RHTC & UHC are owned by private doctors who are running their own practices there .No MOU was made available.
17. Central Library :There is no Librarian .It is split in 2 floors; toilet facilities are not available on upper floor.
18. Other deficiencies as pointed out in the Assessment Report.

The Executive Committee also perused the letter dated 02/12/2016 from the Principal, S.R. Medical College & Research Centre, Akathumuri, Thiruvananthapuram.

In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 11/08/2016. The Executive Committee, after due deliberation and discussion, have decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 11/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Akathumuri, Varkala, Thiruvananthapuram by S.R Educational & Charitable Trust, Kerala with an annual intake of 100 students under Kerala University of Health Sciences, Thrissur, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed"

The decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 26.12.2016 with copy to the Oversight Committee.

After considering the recommendation of MCI, Hearing reports of the DGHS & views of the OC, the Central Govt. vide its letter dated 18.08.2017 debarred the college from admitting students for two academic years i.e. 2017-18 and 2018-19 and also authorized MCI to encash the bank guarantee of Rs. 2.00 crore.

Thereafter, the order dated 18.08.2017 of the Govt. of India was challenged by S.R. Educational & Charitable Trust & Anr. before the the Hon'ble Supreme Court in W.P. (C) No. 741 of 2017. The Hon'ble Supreme Court vide its order dated 03.10.2017 passed the following Order:-

"Heard Mr. Rajeev Dhawan, learned senior counsel for the petitioner and Mr. R. Balasubramanian, learned counsel for the Union of India.

Having heard learned counsel for the parties, we are inclined to direct as follows:-

- a) *The application filed by the petitioner for 2017-18 shall be treated as the application for 2018-19.*
- b) *The Medical Council of India shall carry out inspection as per its Regulations.*
- c) *The bank guarantee furnished by the petitioner shall not be encashed and the petitioner shall keep alive.*
- d) *After the inspection is carried out, if any deficiencies are found the same shall be intimated to the petitioner institution so that it can rectify the same.*

- e) *If the matter eventually travels to the Central Government it shall afford an opportunity of hearing to the petitioner's representative and thereafter the Central Government shall take a decision which shall indicate reasons for the said decision. It shall take assistance of the Oversight Committee constituted by order dated 18th July 2017 by the Constitution Bench in Amma Chandravati Educational and Charitable Trust and Others vs. Union of India and Another.*

The students admitted for 2016-17 shall be allowed to prosecute their courses.

The writ petition is accordingly disposed of. No. order as to costs."

The Executive Committee further observed that an assessment for renewal of permission for MBBS course for 3rd batch (100 seats) of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 had been carried out by the Council Assessors on 06th & 07th November, 2017. The Assessment Report was considered by the Executive Committee of the Council at its meeting held on 22.11.2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report)6th and 7th November, 2017 (and noted the following:-

1. *Deficiency of faculty is 12.64 % as detailed in the report .*
2. *Shortage of Residents is 15.21 % as detailed in the report .*
3. *OPD attendance at 2 p.m .on day of assessment is 575 against requirement of 600 .*
4. *Bed Occupancy at 10 a.m .on day of assessment is 37 .%*
5. *There was NIL Major Operation on day of assessment .*
6. *There was NIL Normal Delivery on day of assessment .*
7. *Workload of Histopathology was NIL on day of assessment .*
8. *OPD :Separate Registration counters for male/female are not available . Registration counters for OPD/IPD patients are not separate .*
9. *Audiometry room is not air-conditioned .Speech Therapy is not available .*
10. *Casualty :Separate Casualty for O.G .is not available .*
11. *O.T.s :They are under renovation .*
12. *ICUs :There was NIL patient in SICU and only 1 patient in ICCU and 2 patients each in MICU, PICU/NICU .*
13. *Radiodiagnosis department :Only 1 Mobile X-ray machine is available against requirement of 2 .Only 1 Static X-ray machine is available against requirement of 2 .*
14. *C.T .Scan is not available .*
15. *CSSD :Receiving & Distribution points are not separate .*
16. *Central Research Laboratory is not functional .*
17. *Lecture Theaters :2 Lecture Theaters are available against requirement of 3 .*
18. *Central Library :Students 'Reading room)Outside (is not furnished .2,968 books are available against requirement of 3,000 .*
19. *Central Photography section is not available .*
20. *Students 'Hostels :They are shared with BDS students .*
21. *Residents 'Hostel :It is not available.*
22. *Residential Quarters :NIL quarters are available for Non-teaching staff .*
23. *Pathology department :Audiovisual aids are not available .Specimens are not available in the Museum .4 Service Laboratories are not available .*
24. *Microbiology department: Audiovisual aids are not available .Museum is not available .7 Service Laboratories are not available .Media Preparation facility, Autoclaving are not available .*
25. *Pharmacology department :Audiovisual aids are not available .Museum is not available. Clinical Pharmacology laboratory is not available .*
26. *Forensic Medicine department :Audiovisual aids are not available .Museum is not available .Cold storage is not available .Autopsy block is under construction.*
27. *Community Medicine department :Audiovisual aids are not available .Museum is not available .Practical Laboratory is not available .It is not furnished .*
28. *RHTC :Cold chain equipment is not available .Survey/MCH/Immunization/FW Registers are not available.*
29. *CME :There was no CME activity during the year .*
30. *Other deficiencies as pointed out in the assessment report*

The Executive Committee noted that Regulation 8(3)(1)(a (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under-:

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation, 1999 and disapprove the application of the S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3^d batch)100 seats(for the academic year 2018-2019.”

The Executive Committee further observed that on 28.11.2017, the minutes of the Executive Committee were sent to the Oversight Committee and decision taken, therein, for approval. The Oversight Committee vide its letter dated 14.12.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 15.12.2017.

The Central Govt. had given personal hearing to the said College and vide letter dated 10.01.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b),8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“.....

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission“ for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal

permission" for that academic year. However, by „precluding consideration even of the application for renewal permission“, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of “reasonable opportunity” mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of “reasonable opportunity”.

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is

granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha Siksha Pratisthan & Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a

bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha Siksha Pratisthan & Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges.The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 31.01.2018 has referred the case of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 19.02.2018 has conveyed as under:-

“Please refer to Medical Council of India letter dated 31.01.2018, on the above mentioned subjects, the Oversight Committee considered the Council’s proposal and documents furnished to it. The Oversight Committee has approved the Council’s proposal contained in the above mentioned letters”.

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 22.11.2017, that in view of application/invocation of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur cannot be considered for renewal of permission for academic year 2018-19.

109. Renewal of permission for MBBS course for 3rd batch (150 seats) of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council observed that in reference to the conditional approval granted by the Central Govt. in the light of directive/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 for establishment of new medical college at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust, Jabalpur with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 had been carried out by the Council Assessors on 24th& 25th November, 2016. The assessment report(24th& 25th November, 2016) was considered by the Executive Committee at its meeting held on 22.12.2016 and it was decided as under:-

The Executive Committee further noted that in reference to conditional approval granted by the Central Govt .in the light of directives/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the Letter of Permission dated 20.08.2016 for establishment of new medical college at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust, Jabalpur with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 has been carried out by the Council Assessors on 24thand 25thNovember, 2016 .The Committee noted the following:-

1. Deficiency of faculty was 6.15 %as detailed in the report .
2. Shortage of Residents was 50 %as detailed in the report .
3. Bed Occupancy was 45.66 %at 10 a.m .on day of assessment .
4. Most of the patients were admitted on the day of assessment; on verification it was found that dates of previous days were mentioned .Many patients were found to be non-genuine .
5. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment .
6. ICUs :There was NIL patient in MICU, NICU/PICU & only 1 patient in ICCU on day of assessment; on verification it was found to be a patient of Anaemia .
7. OPD :Child Welfare clinic & Child Rehabilitation clinic are not available .
8. Administrative experience of Dr .A.K .Behre, medical Superintendent is not shown; hence it is not possible to verify whether his appointment is as per Regulations or not .
9. Audiometrician& Speech therapist are not available .
10. Blood Bank :Nil unit was issued on day of assessment upto time of verification .
11. People were brought in buses to pose as patients; on random verification it was found that many had similar vague complaints for which generally nobody seeks medical advice .
12. Data of Major & Minor Operations as provided by institute are inflated .
13. Data of Radiological & Laboratory investigations as provided by institute are inflated .
14. Nurses 'Hostel :Female Nurses are accommodated in Dormitory type rooms which is not permissible .Hence accommodation is available for only 16 against requirement of 35 .
15. Website :Citizens 'charter is not available .List of students admitted is not available .Details of members of Anti Ragging Committee, Gender Harassment Committee &Toll free number to report Ragging are not uploaded .
16. Security staff stopped the vehicle of assessors at the gate and did not allow it inside the premises for 15 minutes .
17. Dean came to institute after 10 a.m .Many departments were opened after the assessment team reached the college .
18. Dean was asked to provide attendance registers of the faculty & Residents duly signed by her on the first day of assessment; however the same were not produced by her .Biometric attendance system is not installed .
19. Dean was asked to produce the list of faculty/Residents who have resigned/left after last assessment; but the same was not produced .
20. Other deficiencies as pointed out in the Assessment Report.

The Executive Committee also perused the letter/representation dated 25/11/2016 from the Dean, Sukh Sagar Medical College &Hospital, Jabalpur, M.P

In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 11/08/2016. The Executive Committee, after due deliberation and discussion, have decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 11/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust, Jabalpur with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed.

The decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 26.12.2016 with copy to the Oversight Committee.

After considering the recommendation of MCI, Hearing reports of the DGHS & views of the OC, the Central Govt. vide its letter dated 31.05.2017 debarred the college from admitting students for two academic years i.e. 2017-18 and 2018-19 and also authorized MCI to encash the bank guarantee of Rs. 2.00 crore.

The Executive Committee further observed that aggrieved by the decision of the MCI/ Central Government, the college authorities had filed W.P. (C) No. 8075 of 2017 in the Hon'ble High Court of Madhya Pradesh and the Hon'ble High Court vide its Order dated 20.07.2017 gave the following direction:-

"In the facts and circumstances of the case we are of the considered opinion that in view of the order passed by the Supreme Court in the case of Modern Dental College (Supra) and the orders passed by the Oversight Committee on 14.05.2017 which were required to be taken onto consideration by the respondent no. 1 before taking any decision in the matter, the impugned order passed by the respondent no. 1 on 31.05.2017 deserves to be and is hereby quashed and the matter is remitted back to the respondent no. 1 with a further direction to pass a fresh order in the matter after taking into consideration the entire record including the orders passed by the Oversight Committee on 14.05.2017 and the orders passed by the Supreme Court in that regard from time to time."

Looking to the fact that admissions to medical colleges are regulated by a fixed time schedule framed by the Supreme Court, the respondent no. 1 is directed to undertake the aforesaid exercise at the earliest and pass a fresh order in that regard within a period of one week from the date of furnishing a certified copy of the order passed today"

In compliance of direction of the Hon'ble High Court dated 20.07.2017, after considering the entire record including the letter dated 14.05.2017 of the Oversight Committee, the Central Govt. vide its Order dated 07.08.2017 decided to debar the college from admitting students for two academic years i.e. 2017-2018 and 2018-2019 and also to authorize MCI to encash the Bank Guarantee of Rs. 2.00 crore.

Thereafter, the Writ Petition (C) No. 675/2017 filed by Gyanjeet Sewa Mission Trust was listed before the Hon'ble Supreme Court on 04.09.2017 when the Hon'ble Supreme Court was pleased to pass the following Order:-

"...Having heard learned counsel for the parties, it is directed that the Medical Council of India shall send a team for inspection within six weeks as per the schedule for the academic year 2018-19. The application that has been filed by the institution for the academic year 2018-19 shall be treated as an application for the academic year 2018-19. The deficiencies noted by the Inspection Committee shall be brought to the notice of the institution, and it shall be granted liberty to remove the deficiencies. Thereafter, the matter shall

be placed before the Hearing Committee, if required, after removal of deficiencies, and if any deficiency is still required to be removed, the same shall be removed by the institution, and if the institution is a complaint institution, it shall get the letter of permission for the relevant academic year i.e. 2018-19.

Needless to say that we have passed this order without quashing the Orders dated 31.05.2017 and 19.08.2017 but that does not necessarily mean that the union of India or the Medical Council of India shall place reliance on the same.

In view of the order we have passed today in the present case, the question of debarring the institution for two years does not arise.

The writ petition stands disposed of in the above, terms. No order as to costs.”

The Executive Committee further observed that an assessment for renewal of permission for MBBS course for 3rd batch (150 seats) of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 was carried out by the Council Assessors on 09th & 10th October, 2017. The Assessment Report was considered by the Executive Committee of the Council at its meeting held on 22.11.2017 and it was decided as under-

“The Executive Committee of the Council considered the assessment report)9th and 10th October, 2017 (alongwith letters/representations dated 10.10.2017, 11.10.2017 and 17.10.2017 from the Dean of the college authorities and noted the following:-

1. Deficiency of faculty is 34 %as detailed in the report .
2. Shortage of Residents is 34.69 %as detailed in the report .
3. Bed Occupancy was 46.33 %at 10 a.m .on day of assessment .
4. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment .
5. Data of OPD attendance, Radiological & Laboratory investigations given by the Institute are inflated .
6. ICUs :There was NIL patient in ICCU & only 2 patients in PICU/NICU on day of assessment .
7. Lecture Theaters :Hospital Lecture Theater is not available .
8. Central Library :20 journals are available against requirement of 40 .25 Internet Nodes are available against requirement of 25 .
9. Students 'Hostels :Available accommodation is 224 against requirement of 337 .
10. MEU :No activity is carried out during the previous year .
11. On the first day of assessment dated 9.10.2017 when the assessors reached the SSMCH gate at 9.30 a.m., they were stopped by the guards. There was a man already waiting with video camera and another man with letter to assessors. They insisted that assessors accept the letter from them and sign on their copy. Also they did not allow the assessors to enter the college premises stating that the Dean or Director will come to the gate and allow the assessors inside. The assessors had to wait in the car till the Director arrived. He was giving instructions about what to do when the assessors enter the college. This whole process delayed by 1-15 minutes.
12. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8)3)(1)(a (of the Establishment of Medical College Regulation)Amendment,(2010)Part II(, dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

(a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch)

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8(3)(1)(a) (of the Establishment of Medical College Regulation, 1999 and disapprove the application of the Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch) 150 seats (for the academic year 2018-2019.)”

The Executive Committee also observed that on 28.11.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 14.12.2017 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 15.12.2017.

The Central Govt. had given personal hearing to the said College and vide letter dated 10.01.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b), 8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“.....

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to in spite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to

straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the "Establishment of Medical College Regulations, 1999" and the "Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999" show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of "reasonable opportunity" mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an

opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided thereunder is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the

opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree ChhatrapatiShivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court.

Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.
As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 31.01.2018 has referred the case of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University, Jabalpur to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 19.02.2018 has conveyed as under:-

“Please refer to Medical Council of India letter dated 31.01.2018, on the above mentioned subjects, the Oversight Committee considered the Council’s proposal and documents furnished to it. The Oversight Committee has approved the Council’s proposal contained in the above mentioned letters”.

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 22.11.2017, that in view of application/invocation of Regulation 8(3)(1)(a) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University cannot be considered for renewal of permission for academic year 2018-19.

110. Renewal of permission for MBBS course for 5th batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council observed that the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-2018 was considered by the Executive Committee at its meeting held on 13.01.2017 and it was decided as under:

“.....

The Executive Committee of the Council further noted that in reference to conditional approval granted by the Central Government in light of directives/approval of the Oversight Committee, an assessment for verifying the conditions stipulated in the

Letter of Permission dated 20.08.2016 for renewal of permission for MBBS course for 3rd batch of 150 MBBS students at Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur has been carried out on 4th and 5th January, 2017 and noted the following:

1. Deficiency of faculty is 10.53 % as detailed in the report.
2. Shortage of Residents is 14.29 % as detailed in the report.
3. OPD attendance is 711 on day of assessment against 900 required.
4. There were only 4 Major Operations for the whole hospital on day of assessment.
5. Casualty: Separate Casualty for O.G. is not available.
6. There were only 2 patients each in NICU/PICU on day of assessment.
7. Wards: Pantry is non-functional in all the wards.
8. Nurses' Hostel: It is very congested with 5 persons in 1 room which is not permissible.
9. Residential Quarters: Only 2 quarters are available for non-teaching staff against requirement of 36.
10. UHC: Specialists' visits are not organized.
11. Other deficiencies as pointed out in the assessment report.

In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 12/08/2016. The Executive Committee, after due deliberation and discussion, have decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 12/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for renewal of permission for MBBS course for 4th batch of 150 MBBS students at Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-18, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed."

In the meanwhile the Hon'ble Kerala High Court vide its order dated 02.08.2017 passed in W.P. (C) No. 19466/2017 directed the Govt. of India to grant a personal hearing to the medical college and after considering the recommendations/views of the Council, Hearing Committee, Directorate General Health Services and the then Ld. Oversight Committee, pass a reasoned / speaking order, in respect of confirmation or rejection of conditional renewal of permission granted for the academic year 2016-17.

The Govt. of India vide its decision dated 14.08.2017, decided to only confirm the conditional renewal of permission granted to the above-named medical college for the academic year 2016-17. However, the Govt. of India did not grant renewal of permission to the medical college for admitting 150 MBBS students for the academic year 2017-18. The order dated 14.08.2017 of the Govt. of India was challenged by medical college before the Hon'ble Supreme Court in W.P. (C) No. 825 of 2017. The Hon'ble Supreme Court vide its order dated 22.09.2017, after hearing the parties, declined to disturb the admissions granted to the students in the college. It was further directed that the medical college must remove all the deficiencies in their college and the same be verified by the MCI.

The Executive Committee further observed that an assessment for renewal of permission for MBBS course for 5th batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 was carried out by the Council Assessors on 8th & 9th December, 2017. The Assessment Report was considered by the Executive Committee of the Council at its meeting held on 14.12.2017 and it was decided as under:-

"The Executive Committee of the Council considered the assessment report)8th and 9th December, 2017(alongwith a letter dated 09.12.2017 received from the college authorities and noted the following:-

1. Deficiency of faculty is 37.12 % as detailed in the report.
2. Shortage of Residents is 100 % as detailed in the report.
3. Residents and Assistant Professors are drawing more salary than Professors and HOD. All Senior and Junior Residents have been appointed with orders mentioning duty hours from 8 am to 4.30 pm. Hence, they have not been counted as SR/JR.
4. OPD attendance upto 2 p.m. on day of assessment is 592 against requirement of 1,200.
5. Bed Occupancy at 10 a.m. on day of assessment was 46.15 %.
6. Patients:
 - (a) In Pediatric wards case sheets of 35 patients shows IV Antibiotics going on but on cross verifying with patients, relatives it was found that no injections were given. Also none of such patients had IV Cannulas inserted hence they were not counted.
 - (b) In Pulmonary Medicine department, female ward 9 patients had diagnosis of COPD, Brochiectasis, Pneumonia etc. on taking history and examining the patient, no corroborative clinical findings were found. Also none of the patients had Chest X-rays done. Hence, they were not counted.
 - (c) In Orthopedics ward, 15 patients with complaints of Neck Pain, Leg pain under evaluation were not counted as they were asymptomatic also did not have x-rays.
 - (d) In Ophthalmology female ward, 3 patients were kept with diagnosis of corneal opacity. On examination no such findings were seen. Hence not counted.
7. There were only 3 Major Operations on day of assessment.
8. There was only 1 Normal Delivery & NIL Caesarean Section on day of assessment.
9. Histopathology workload was only 4 & Cytopathology workload was 2.
10. OPD: Plaster Cutting room is not available.
11. Casualty: Separate Casualty for O.G. is not available.
12. ICUs: There was only 1 patient in NICU & 2 patients each in PICU, SICU on day of assessment.
13. There was NIL issue of Blood on day of assessment.
14. Residential Quarters: 24 quarters are available for faculty against requirement of 26.
15. Anatomy department: Band Saw is not available.
16. Physiology department: Mammalian Laboratory is not available.
17. RHTC: Cold Chain equipment are not available. Immunization is not available.
18. Dean has refused to sign the assessment report.
19. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch (150 seats) of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March, 2016which reads as under:-

8(3)(1).....

(b) Colleges in the stage from III & IV renewal (i.e. Admission of fourth & fifth batch)

If it is observed during any inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20 %and/or bed occupancy is <65%, compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic year."

The Executive Committee further observed that on 15.12.2017, the minutes of the Executive Committee were sent to the Oversight Committee for approval. The Oversight Committee vide its letter dated 03.01.2018 approved the decision taken by the Council as recorded in the abovementioned minutes of the meeting of the

Executive Committee. Accordingly, the decision of the Executive Committee was conveyed to the Central Govt. vide Council's letter dated 06.01.2018.

The Central Govt. had given personal hearing to the said College and vide letter dated 12.02.2018 forwarded the compliance submitted by the college authorities and had requested the Council to review the scheme of the applicant college. The Executive Committee however thought it appropriate to consider the following judgments passed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi regarding the applicability of Regulation 8(3)(1)(a), 8(3)(1)(b), 8(3)(1)(c) of the Establishment of Medical College Regulation, 1999 before proceeding in the matter.

The Ld. Division Bench of the Hon'ble High Court of Delhi vide judgment dated 28.05.2015 passed in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr Vs. UOI & Ors., wherein, the validity of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 has been upheld. The Ld. Division Bench held as under:

“.....

F. It is this discretion vested by Section 10A(3) and (4) in the MCI and the Central Government which is controlled or sought to be guided by Regulation 8(3)(1) supra. The main part thereof, in consonance with Section 10A(4) provides that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However the provisos (a) to (d) thereof limit such opportunity by specifying the deficiencies / defects for rectification whereof no opportunity and time to rectify will be given and existence whereof will lead to „non-consideration of the application for renewal permission” for that year. The provisos (a) to (d) (of which we herein are concerned with proviso (b)) thus instead of taking away any right vested by Section 10A(3) and (4) in the applicant, as contended, limits the discretion vested by Section 10A(3) and (4) in the MCI and Central Government to inspite of finding deficiencies, give opportunity for rectification thereof.

G. Significantly, the provisos aforesaid are to the part of Regulation 8(3)(1) which, in consonance with Section 10A(4) vests the discretion in Central Government to give opportunity and time to the applicant to rectify the defects conveyed. Thus it is the Central Government which, by the provisos aforesaid is precluded from „considering the applicant medical college for renewal permission” for that academic year. However, by „precluding consideration even of the application for renewal permission”, MCI also is precluded from giving an opportunity under Section 10A(3).

H. In our opinion, where a statute confers a discretion in a statutory body and / or the Government and also empowers such statutory body and / or Government to make Regulations for exercise thereof, a Regulation providing for situations in which discretion will not be exercised, cannot be said to be inconsistent with the statute and bad for this reason. Thus, the provisos (a) to (d) of Regulation 8(3)(1) laying down the deficiencies on finding which the application for renewal permission shall not be considered i.e. no opportunity to make up the deficiencies will be given, neither by the MCI nor by the Central Government cannot be said to be ultra vires Section 10A(3) and (4) which themselves confer absolute discretion as aforesaid on MCI to straightaway recommend disapproval of scheme upon finding it deficient in any manner.

I. It is not as if the deficiencies mentioned in provisos (a) to (d) supra can be the only deficiencies at the stage of renewal permission with which the said provisos are concerned. A perusal of the “Establishment of Medical College Regulations, 1999” and the “Minimum Standard Requirements for the Medical College for 150 Admissions Annually Regulations, 1999” show a plethora of annual targets to be met at the stages of renewal permission with which provisos (a) to (d) are concerned. The proviso (b) provides for non-consideration of renewal permission only in two situations i.e. when deficiency in teaching faculty and / or residents is more than 20% of the minimum

prescribed OR when the bed occupancy is less than 70% of that prescribed. For all other deficiencies, opportunity to rectify can be given.

J. We find the aforesaid to be reasonable. At the time of seeking renewal permission to admit fourth batch of students, the Medical College is seeking to achieve its full student strength and is thus required to meet all the minimum standards prescribed and for meeting which it has already been given three years time since its establishment. If in the said three years even, it has not been able to not only have the minimum teaching faculty / residents and bed occupancy but the deficiencies are of as much as more than 20% and 70% respectively then, no error is found in the Central Government and the MCI in the Regulations stipulating that such medical college will not be considered for renewal permission in as much as there is only a short time available for consideration of renewal permission and in that short time deficiencies in excess of 20% in teaching faculty and less than 70% bed occupancy, which could not be achieved in previous three years, cannot be made up. Accordingly, it will also fulfill the test of "reasonable opportunity" mentioned in Section 10A(3). Non-giving of opportunity / time to cure defects / deficiencies which are not curable in the time available cannot be said to be deprivation of "reasonable opportunity".

.....

L. Thus irrespective of the general principle whether a power to regulate discretion vested by statute to give an opportunity to rectify defects/ deficiencies before granting or refusing permission would include power to, in Regulations specify the deficiencies for which no power to rectify will be given, we, in the context of the MCI Act and the Regulations framed thereunder, find that such power is included. We cannot be unmindful of the large number of applications with which Central Government / MCI are flooded annually and the mammoth work involved in consideration thereof. When the experts in the MCI have assessed that deficiencies in excess of 20% in teaching faculty and of 70% in bed occupancy are such which are incapable of being cured in the short time and have provided so in the Regulations made with the previous sanction of Central Government, it would not be correct for the Courts to say that since opportunity to cure other deficiencies is given, opportunity to cure such deficiencies should also be given.

M. Moreover, the deficiencies in teaching faculty and bed occupancy are fundamental and crucial and cannot be ignored and are such which would certainly affect the quality of education and if inspite thereof permission is granted would result in the college producing half-baked and poor quality doctors.

28. The only other ground of challenge to the Regulation i.e. of the same being violative of the principles of natural justice, in our view is fully covered by the dicta of the Supreme Court in Manohar Lal Sharma supra. 29. We may in this regard notice that the petitioners nowhere in the petition or in the arguments have made allegations of bias or vindictiveness against the team of experts who inspected the Medical College of the petitioners and found the deficiencies therein to be beyond the limit mentioned in proviso (b) to Regulation 8(3)(1) which disentitled the medical college from consideration even of its application for renewal permission. It is also not the case of the petitioners that the said team of experts imputed the deficiency, owing to ulterior motives. In this light of the matter, we see no reason to hold that an opportunity of hearing or rectification is required to be given with respect to the report of the inspection. In a given case, where a case of bias or vindictiveness or inspection report being guided by extraneous factors is made out, it may be considered whether, an opportunity of hearing is to be given. But the scope of such hearing would be confined to whether any case for rejecting the inspection report which has found such deficiencies is made out. Mere making of unsubstantial allegations would not entitle consideration of application for renewal permission. Even if a case for rejecting the inspection report is established, it would call for another inspection.

30. No other argument on the aspect of vires of the Regulation has been raised. 31. The challenge to the vires of proviso (b) to Regulation 8(3)(1) therefore fails.

.....”

The Ld. Full Bench of the Hon'ble High Court of Delhi in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr., was pleased to uphold the aforesaid Regulations, however, the Ld. Full Bench had observed that an opportunity should be given to the college to rectify the deficiencies. The relevant portion of the judgment dated 29.09.2015 passed in W.P. (C) No. 7106 of 2015- Malla Reddy Institute of Medical Sciences & Anr. Vs. Union of India & Anr. And W.P. (C) No. 8541 of 2015- Lord Buddha SikshaPratisthan&Anr. Vs. Union of India & Anr. is reproduced hereunder:-

“.....

48. In the light of the above discussion, we are of the view that it is mandatory to provide to the applicant/institute concerned an opportunity to rectify the defects/deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) to Regulations 8(3)(1) of the Regulations.

49. It may be added that in fact, the contention of the MCI that the provisos (a) to (d) carves out an exception to the power of the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies and thus in cases where the said provisos are invoked, no opportunity need be given to the applicant is based on an erroneous interpretation of Regulation 8(3)(1) of the Regulations.

50. On a careful reading of Regulation 8(3)(1), it appears to us that what is provided there under is grant of permission to establish a medical college initially for a period of one year and the renewal of the same on yearly basis subject to verification of the achievements of annual targets prescribed by MCI under Regulation 8(2). It is no doubt true that Regulation 8(3)(1) also states that “the Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies”. However, the contention of MCI that by virtue of the provisos (a) to (d), an exception has been carved out to the power conferred on the Central Government to provide an opportunity and time to the applicant to rectify the deficiencies, is fallacious. We are afraid that this is not the import of Regulation 8(3)(1). According to us, the provisos (a) to (d) which imposed a bar on grant of renewal in the circumstances specified therein would only work as an exception to the main part of Regulation 8(3)(1) specifying the process of renewal of permission on yearly basis but W.P. (C) 7106/2015 & W.P.(C) 8541/2015 Page 43 of 43 not to the requirement of providing opportunity to rectify the deficiencies.

51. Therefore, we are of the view that it is not open to MCI and/or Central Government to deny an opportunity to the applicant/institute concerned to rectify the deficiencies specified by MCI even in cases which fall within the ambit of the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations. However, it is essential for both MCI and Central Government to observe the time schedule as held in Royal Medical Trust (supra).

52. For the aforesaid reasons, we hold that the provisos (a) to (d) to Regulation 8(3)(1) of the Regulations shall not in any way circumvent the opportunity of being heard/opportunity to rectify the deficiencies provided under sub-Sections (3) and (4) of Section 10-A of the Medical Council Act. However, the same shall be in strict adherence to the time Schedule fixed in the Regulations and in conformity with the Schedule as laid down in Royal Medical Trust (supra).

.....”

The Executive Committee noted that the Council had approached the Hon'ble Supreme Court by way of SLP (C) No.31535/2015-Medical Council of India Vs. Malla

Reddy Institute of Medical Science & Anr. And SLP (C) No.30742/2015- Medical Council of India Vs. Lord Buddha SikshaPratisthan&Anr., against the aforesaid judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court. The Hon'ble Supreme Court vide judgment dated 27.04.2016 passed in Civil Appeal No. 4812/2016 – MCI Vs. Malla Reddy Institute of Medical Sciences & Anr. & C.A.No.4813/2016 – MCI Vs. Lord Buddha SikshaPratisthan, had set-aside the judgment dated 29.09.2015 passed by the Ld. Full Bench of the Hon'ble Delhi High Court and had allowed the appeals filed by the Council. Thus, the judgment dated 28.05.2015 as passed by the Ld. Division Bench of the Hon'ble Delhi High Court in WP (C) No. 5041/2015 - Shree Chhatrapati Shivaji Education Society & Anr. Vs. Union of India & Anr., stands revived and is the authoritative pronouncement on the validity of Regulation 8(3)(1) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said judgment passed by the Hon'ble Supreme Court is reproduced hereinbelow:

“.....

9. In the aforesaid facts and circumstances, it is clarified that the impugned Full Bench judgment does not adversely affect the provisos (a) to (d) of Regulation 8(3)(1) of the Regulations and the Division Bench erred in allowing the writ petitions by issuing directions contrary to the relevant provisos. Consequently, the final order passed by the High Court on the basis of the impugned judgment is held to be bad in law.

.....”

It is submitted that recently, the Hon'ble High Court of Judicature at Rajasthan at Jodhpur vide 21.03.2018 passed in D.B. Civil Writ Petition No. 3800 OF 2018 and D.B. Civil Writ Petition No. 3771 OF 2018, directed the Council to carryout provisional compliance verification inspection of the medical colleges, therein, notwithstanding the fact that the Council had invoked / applied Regulation 8(3)(1)(b) of the Establishment of Medical College Regulation, 1999 in the case of medical colleges. The Council challenged the above order before the Hon'ble Supreme Court by way of the SLP (C) No. 8396/2018 and 8756/2018, and the Hon'ble Supreme Court vide order dated 16.04.2018, was pleased to dispose of the SLP and set aside the interim order dated 21.03.2018 passed by the Hon'ble High Court Judicature at Rajasthan. The Hon'ble Supreme Court also observed that there was no occasion for the Hon'ble High Court to direct the Council to carry out the compliance inspection of the respondents-medical colleges, therein, in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. The relevant portion of the said order is extracted hereunder:

“Having heard learned Senior Counsel appearing for the parties and upon perusal of the record, we see no reason as to why the High Court should have passed an ad interim order directing the petitioner - MCI to carry out the provisional compliance inspection of the respondents-medical colleges in view of Regulation 8(3)(1) (b) of the Establishment of Medical College Regulations, 1999. Hence, we set aside the aforesaid ad interim order passed.

Hence, we set aside the aforesaid ad interim order passed by the High Court. Since the matter is pending before the High Court, we request the High Court to consider and dispose of the matter including the challenge to Rule 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, on its own merits in accordance with law and expeditiously well in time.

With the aforesaid directions, the special leave petitions are disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

The Central Govt. vide letter dated 20.06.2017 requested the Council to revisit the applicability of the Regulation 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c) since, in the case where the said clauses were applied, the application of the college were not considered any further. Whereas, as per section 10A(4) of the IMC Act, 1956, the Govt. of India has to grant an opportunity for rectification of deficiencies. The said letter of the Ministry was considered by the Executive Committee of the Council at meeting held on 11.07.2017, wherein, the Committee in view of the fact that the said

Regulation was inserted in the Establishment of Medical College Regulation, 1999 in order to ensure the regular availability of clinical material and teaching faculty, throughout the year, decided that in the larger public interest and in the interest of the medical college education, the said Regulation should be applied without any change. The Council vide letter dated 13.10.2017, communicated the decision of the Executive Committee of the Council to the Ld. Oversight Committee for approval and the Ld. Oversight Committee vide letter dated 03.01.2018, approved the decision of the Executive Committee to apply the Regulations 8(3)(1)(a), 8(3)(1)(b) and 8(3)(1)(c), without any change or modification.

The Executive Committee further noted that the Council vide its letter dated 23.02.2018 has referred the case of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur to the Ld. Oversight Committee, for their opinion. The Oversight Committee vide letter dated 08.03.2018 has conveyed as under:-

“In view of the provision of Regulation 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999 referred above, wherein it is provided that “compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic year. ”, it is not permissible in law for the Council to consider the compliance/ representation submitted by the College.”

In view of the above the Executive Committee after detailed deliberations decided to reiterate its earlier decision taken at its meeting held on 14.12.2017, that in view of application/invocation of Regulations 8(3)(1)(b) of the Establishment of Medical College Regulations, 1999, which disentitles the medical college for compliance due to gross deficiencies found during the last assessment, the application of Al-Azhar Medical College and Super Speciality Hospital, Thodupuzha, Kerala under Kerala University of Health Sciences, Thrissur cannot be considered for renewal of permission for academic year 2018-19.

111. Establishment of new medical college at Vidisha M.P. by Govt. of Madhya Pradesh with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Vidisha M.P. by Govt. of Madhya Pradesh with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018) along with previous assessment report (16th& 17th November, 2017) and noted the following:-

1. Deficiency of teaching beds remains as it is as under:

#	Department	Beds		
		Required	Available	Deficit
1	General Medicine	72	61	11
2	Psychiatry	08	00	08
3	Skin & VD	08	00	08
4	General Surgery	90	61	29
5	Orthopaedics	30	00	30
6	ENT	10	04	06
7	O.G.	40	39	01
	TOTAL			93

2. Deficiency of faculty is 44.6 % as detailed in the report.
3. Shortage of Residents is 100 % as detailed in the report.
4. College building is still under construction.
5. Departments of Anatomy, Physiology, Biochemistry are still under construction & not functional.

6. Lecture Theaters, Central Library, Students' Hostels, Residents' Hostel, Residential Quarters, Common Rooms for Boys & Girls, Central Photography Section are still under construction.
7. Nursing staff: 107 Nursing staff are available against 175 required.
8. Paramedical & Non-teaching staff: 86 Paramedical & Non-teaching staff are available against requirement of 100.
9. OPD: Examination rooms are inadequate. Teaching areas are not available. Injection room is common for males/females. ECG room is not available. Plaster room & Plaster Cutting room are common. Child Welfare clinic & Child Guidance clinic are not available in Paediatrics OPD.
10. Audiometry & Speech therapy are not available.
11. Wards: Beds are not distributed Unitwise. Demonstration rooms are not available.
12. Casualty: Only 2 beds are available in Casualty. 8 beds are available in Trauma Center without even first aid equipment. Central O₂ is not available.
13. O.T.: 3 Major O.T.s are available against requirement of 4. Central O₂ is not available. Equipment are inadequate.
14. ICUs: ICCU, MICU, SICU are not available.
15. Labour room: Septic labour room & Eclampsia room are not properly equipped.
16. Radiodiagnosis department: 1 Mobile X-ray machine is available against requirement of 2.
17. CSSD: It is not available.
18. Intercom: it is not available.
19. MRD: It is manual. ICD X classification for indexing of diseases is not followed.
20. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Vidisha M.P. by Govt. of Madhya Pradesh with an annual intake of 150 MBBS students under Madhya Pradesh Medical Science University, Jabalpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

112. Establishment of new medical college at Sikar (Govt. Medical College, Sikar) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Sikar (Govt. Medical College, Sikar) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018) along with previous assessment report (13th & 14th November, 2017) and noted the following:-

1. Campus is divided into 3 parts. Deficiency remains as it is.
2. Deficiency of faculty is 100% as detailed in the report.
3. No documents regarding experience of Dr. Govardhan Meena, Principal & Controller are available.
4. Shortage of Residents is 100% as detailed in the report.
5. Departments of Anatomy, Physiology, Biochemistry are still not available.
6. Workload of Minor Operations is NIL on day of assessment.
7. OPD: Waiting area is inadequate. Examination rooms are inadequate. Teaching areas are not available. Dressing rooms are not available. Injection room is common for males/females. Child Welfare clinic & Child Rehabilitation clinic are not available in Paediatrics OPD.

8. Wards: Duty room & Pantry are not available in several wards.
9. O.T.: NIL Minor O.T. is available.
10. ICUs: SICU, PICU are not available. Central Suction and Central O₂ are not available.
11. CSSD It is not available.
12. Intercom: It is not available.
13. Lecture Theaters, Central library, Students' Hostels, Residents' Hostels, Nurses' Hostel, Residential Quarters, Common Rooms for Boys & Girls, Central Photography section are still not available.
14. Website: It is not available.
15. Dean's office is not furnished.
16. College Council, Pharmaco Vigilance Committee, Gender Harassment Committee are not yet constituted.
17. Building plan approval is not available.
18. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Sikar (Govt. Medical College, Sikar) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Sciences, Jaipur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

113. Establishment of new medical college at Faizabad, Uttar Pradesh (Govt. Allopathic Medical College, Faizabad, U.P.) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Faizabad, Uttar Pradesh (Govt. Allopathic Medical College, Faizabad, U.P.) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018) along with previous assessment report (23rd & 24th November, 2017) and noted the following:-

1. Dean, Medical Superintendent are not yet appointed.
2. Deficiency of faculty is 100% as detailed in the report.
3. Shortage of Residents is 100% as detailed in the report.
4. Nursing staff: 69 Nursing staff are available against requirement of 175.
5. Paramedical & Non-teaching staff: 34 Paramedical & Non-teaching staff are available against requirement of 100.
6. OPD: Teaching areas are not available. Injection rooms for males/females are not available. Dressing room for males/females are not available. Plaster room & Plaster Cutting room are common. Dark room, Minor Procedure room are not available in Ophthalmology OPD. No Special clinic is available in Paediatrics OPD. Family Welfare clinic, Cancer Detection clinic are not available in OG OPD.
7. Speech therapy is not available.
8. Casualty: Central O₂ and Central Suction are not available.
9. Central Clinical laboratory: it is not available.
10. O.T.: Central O₂ and Central Suction are not available.
11. CSSD It is not available.
12. Intercom: It is not available.
13. MRD: It is not computerized.

14. Departments of Anatomy, Physiology, Biochemistry are still under construction.
15. Lecture Theaters, Central library, Students' Hostels, Residents' Hostels, Nurses' Hostel, Residential Quarters, Common Rooms for Boys & Girls, Central Photography section are still not available.
16. Dean's office, medical Superintendent's office are still under construction.
17. RHTC, UHC are not identified.
18. Website: It is not available.
19. College Council, Pharmaco Vigilance Committee, Gender Harassment Committee are not constituted.
20. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Faizabad, Uttar Pradesh (Govt. Allopathic Medical College, Faizabad, U.P.) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George Medical University, Lucknow to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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. Establishment of New Medical College at Dungarpur, Rajasthan (Government Medical College, Dungarpur) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Dungarpur, Rajasthan (Government Medical College, Dungarpur) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018), previous assessment report (9th & 10th November, 2017) along with an undertaking of the Principal Secretary, Medical Education, Government of Rajasthan dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Dungarpur, Rajasthan (Government Medical College, Dungarpur) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Sciences, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

115. Establishment of new medical college at Balangir, Odisha (Govt. Medical College & Hospital, Balangir) by Govt. of Odisha with an annual intake of 100 MBBS students under Sambalpur University, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Balangir, Odisha (Govt. Medical College & Hospital, Balangir) by Govt. of Odisha with an annual intake of 100 MBBS students under Sambalpur University, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018), previous assessment report (1st & 2nd November, 2017) along with an undertaking of the Secretary, Health & Family Welfare Department, Government of Odisha dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Balangir, Odisha (Govt. Medical College & Hospital, Balangir) by Govt. of Odisha with an annual intake of 100 MBBS students under Sambalpur University, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

116. Establishment of new medical college at Balasore, Odisha(Govt. Medical College & Hospital, Balasore) by Govt. of Odisha with an annual intake of 100 MBBS students under Fakir Mohan University, Balasore, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Balasore, Odisha (Govt. Medical College & Hospital, Balasore) by Govt. of Odisha with an annual intake of 100 MBBS students under Fakir Mohan University, Balasore, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018), previous assessment report (1st& 2nd November, 2017) along with an undertaking of the Secretary, Health & Family Welfare Department, Government of Odisha dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Balasore, Odisha (Govt. Medical College & Hospital, Balasore) by Govt. of Odisha with an annual intake of 100 MBBS students under Fakir Mohan University, Balasore, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

117. Establishment of new medical college at Shahjahanpur, Uttar Pradesh (Government Medical College, Shahjahanpur, Uttar Pradesh) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George's Medical University, Lucknow, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Shahjahanpur, Uttar Pradesh (Government Medical College, Shahjahanpur, Uttar Pradesh) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George's Medical University, Lucknow, U.P. u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018) along with previous assessment report (23rd& 24th November, 2017) and noted the following:-

1. Teaching beds: 81 beds are available for General Medicine & Sub-specialties of Tb & Chest, Skin & VD and Psychiatry against total requirement of 96. 85 beds are available for General Surgery & Sub-specialties of Orthopaedics and ENT against total requirement of 130; resultantly deficit of 60 beds is still persisting.
2. Dean & Medical Superintendent are not yet appointed.
3. Deficiency of faculty is 100% as detailed in the report.
4. Shortage of Residents is 100% as detailed in the report.
5. Departments of Anatomy, Physiology & Biochemistry are still under construction. Deficiency remains as it is.
6. There was NIL Major Operation & only 2 Minor Operations on day of assessment.
7. OPD: Registration counters are not computerized. Dark room & Refraction rooms are not available. Child Welfare clinic & Child Rehabilitation clinic are not available in Paediatrics OPD. Cancer Detection clinic is not available in OG OPD.
8. Audiometry & Speech therapy are not available.
9. Wards: There is no Departmentwise, Unitwise distribution.
10. Casualty: Equipment are inadequate.
11. Central Clinical Laboratory is not available.
12. ICUs: MICU, PICU/NICU are not available.
13. Labour room: Eclampsia room is not equipped.
14. Mobile X-ray machines are not available.
15. CSSD: ETO Sterilizer is not available. Receiving & Distribution points are not separate.
16. Intercom: it is not available.
17. MRD: It is manual. ICD X classification for indexing of diseases is not followed.

18. Lecture Theaters, Central Library, Students' Hostels, Residents' Hostel, Residential Quarters, Common Rooms for Boys & Girls, Central Photography Section are not available.
19. Website: It is not available.
20. Dean's office is not available.
21. RHTC, UHC are not identified.
22. College Council, Pharmaco Vigilance Committee, Gender Harassment Committee are not constituted.
23. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Shahjahanpur, Uttar Pradesh (Government Medical College, Shahjahanpur, Uttar Pradesh) by Govt. of Uttar Pradesh with an annual intake of 100 MBBS students under King George's Medical University, Lucknow, U.P. to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

118. Establishment of new medical college at Khandwa M.P. by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Khandwa M.P. by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018) along with previous assessment report (16th & 17th November, 2017) and noted the following:-

1. Though basic structure of college building is ready, it is yet to be furnished.
2. Deficiency of faculty is 30.50 % as detailed in the report.
3. Shortage of Residents is 51.11 % as detailed in the report.
4. Teaching beds: There are no designated beds for Psychiatry.
5. Departments of Anatomy, Physiology, Biochemistry: Furniture & Equipment are not available in any of rooms or laboratories.
6. Nursing staff: 130 Nursing staff are available against 175 required.
7. Paramedical & Non-teaching staff: 55 Paramedical & Non-teaching staff are available against requirement of 101.
8. Audiometry is being performed in a normal room. Air-conditioned Soundproof Audiometry room is not available.
9. ICUs: Central O₂ and Central Suction are available.
10. ETO Sterilizer is not available.
11. Intercom is available only in hospital.
12. MRD: ICD X classification for indexing of diseases is not followed.
13. Lecture Theaters: Furnishing & other infrastructure are not available.
14. Central Photography section is not available.
15. Central Library: It is yet to be furnished. There are NIL books.
16. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Khandwa M.P. by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

119. Establishment of New Medical College at Barmer, Rajasthan (Government Medical College, Barmer) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to Establishment of New Medical College at Barmer, Rajasthan (Government Medical College, Barmer) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23rd April, 2018) along with previous assessment report (9th& 10th November, 2017) and noted the following:-

1. Approval of Building Plan is still not available.
2. Deficiency of faculty is 74.57 % as detailed in the report.
3. Shortage of Residents is 66.66 % as detailed in the report.
4. Although College Building is ready, External finishing, Internal Finishing & furnishing are still not complete.
5. Nursing staff: 165 Nursing staff are available against 175 required.
6. OPD: Teaching areas are not available. Dark room is not available in Ophthalmology OPD.
7. Audiometry & Speech Therapy are not available.
8. O.T. Central O₂ and Central Suction are not available.
9. ETO Sterilizer is not available.
10. Intercom: It is available in the hospital only.
11. MRD: It is manual.
12. Lecture Theaters, Central Library, Students' Hostels, Residents' Hostel, Residential Quarters, Common Rooms for Boys & Girls, Central Photography Section are still under construction.
13. Dean's office is still under construction.
14. Equipment are not available.
15. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Barmer, Rajasthan (Government Medical College, Barmer) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Science, Jaipur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

120. Establishment of New Medical College at Palanpur, Gujarat (Banas Medical College & Research Institute, Palanpur, Gujarat) by Galabhai Nanjibhai Patel Charitable Trust, Palanpur, Gujarat with an annual intake of 150 MBBS students under Hemchandracharya North Gujarat University, Patan, Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Palanpur, Gujarat (Banas Medical College & Research Institute, Palanpur, Gujarat) by Galabhai Nanjibhai Patel Charitable Trust, Palanpur, Gujarat with an annual intake of 150 MBBS students under Hemchandracharya North Gujarat University, Patan, Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (23.04.2018), previous assessment report (17th& 18th January, 2018) along with communication dated March, 2018 and letter/reply dated 23.04.2018 received from the college authorities and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college

at Palanpur, Gujarat (Banas Medical College & Research Institute, Palanpur, Gujarat) by Galabhai Nanjibhai Patel Charitable Trust, Palanpur, Gujarat with an annual intake of 150 MBBS students under Hemchandracharya North Gujarat University, Patan, Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

121. Extension of time for MCI to make recommendations to the Central Government in respect of UG cases for the academic year 2018-19.

Read: the matter with regard to extension of time for MCI to make recommendations to the Central Government in respect of UG cases for the academic year 2018-19.

The Executive Committee of the Council perused the Central Government letter dated 24.04.18, whereby, the Central Government has asked the Council to conduct compliance verification assessment in respect Medical Colleges being established by the State Governments. In the said letter it is stated that the number of such Government Medical Colleges is 29, out of which, in the cases of 5 medical colleges, the Council has conducted compliance verification assessment; while in case of 16 medical colleges, the Council has conducted first inspection but did not conduct the compliance verification assessment; and the application of 8 medical colleges were found to be incomplete and hence recommended for disapproval.

2. The Executive Committee perused the chart prepared by the Undergraduate Section in respect of 35 such cases / colleges and the following emerges from its perusal:-

Firstly, the case of 05 medical colleges, being established by the State Governments, wherein, the Council has carried out the compliance verification assessment, was considered by the Executive Committee in its meeting held on 12.04.18 and the Executive Committee has taken appropriate decision in the said cases. The decisions of the Executive Committee, taken in respect said 05 medical colleges have been approved by the Hon'ble Supreme Court mandated Oversight Committee on 19.04.18 and the same has been communicated to the Central Govt. vide this office's letter dated 25.04.2018.

Secondly, in the case of 17 medical colleges, the compliance verification assessment has been caused by the Council and the Reports, thereof, shall be placed before the Executive Committee of the Council in its meeting scheduled to be held on 26.04.18.

Thirdly, in the case of 01 Medical College. i.e Assam Hills Medical College & Research Centre, Karli Anglong, Diphu by Govt. of Assam, the application was received after the cut-of date and the same shall be considered by the Executive Committee of the Council in its meeting on 26.04.18.

Fourthly, in respect of 05 Medical Colleges, namely, (i) Govt. Medical College, Badaun, UP; (ii) Govt. Medical College, Basti, UP; (iii) Govt. Allopathic Medical College, Baharaich, UP; (iv) Govt. Medical College, Madhepura, Bihar; (v) Soban Singh Jeena Govt. Institute of Medical Sciences and Research, Almora, Uttarakhand; the Council had conducted the first assessment and the deficiencies, found during the first inspections were communicated. However, till date the Council has not received compliance, in respect of the said medical colleges, from the State Governments, through the Central Government. Therefore, there is no occasion for the Council to conducting any compliance verification assessment in respect of said 5 Medical Colleges being established by the Govt. of UP, Bihar and Uttarakhand.

Fifthly, in respect of remaining 07 Medical Colleges, the status is as under:

- (i) Applications by Government of Jharkhand for establishing new Medical Colleges at Palmau, Hazaribagh and Dumka were recommended for disapproval as Essentiality Certificate issued by the State Government stated that the bed-strength of Hospitals was less than 300. The Central Govt. in its letter dated 16.10.17 has clearly stated that "as per the EC issued by the Govt. of Jharkhand the Hospital has only 100 beds which will be upgraded to 200 beds" and the "State Govt. representative seeks time for upgrading the number of beds". The Central Govt. itself has categorically held "as per the qualifying

criteria, the applicant must own and manage a 300 bedded Hospital.” Now, even though the said medical college do not meet the qualifying criteria as per the MCI Regulations, the Central Govt. has recommended for review by the Council. In the Essentiality Certificate issued by the State Government, in respect of these 03 Medical Colleges, it was stated that “As per the EC issued by the State Government of Jharkhand the Hospital Council Regulations mandates that the bed strength should be 300 and above”. Such applications have been recommended for disapproval as they have failed to meet the qualifying criteria prescribed in Regulations regarding the bed-strength. The Central Govt. vide letter dated 16.10.17, has asked MCI to review and the Executive Committee after consideration on 22.11.17 had decided to recommend disapproval of the application of said colleges. The said decision of the Executive Committee was duly approved by the Hon’ble Supreme Court Mandated Oversight Committee vide letter dated 14.12.2017 and the same was communicated to the Central Govt. vide this office’s letter(s) dated 15.12.2017 Thereafter, there has been no communication from the Central Govt. in this regard.

- (ii) Applications by Government of Madhya Pradesh for establishment of new Medical Colleges at Chhindwara and Shivpuri were found to be defective/ incomplete in terms of consent of affiliation and other documents. The Consent of affiliation, submitted alongwith the application of said medical colleges were not valid as the same were issued by the affiliating university for academic year 2017-18. Therefore, the same had been recommended for disapproval on 13.09.17 by the Council. However, the Central Govt., vide letter dated 16.11.17, has asked MCI to review the recommendation dated 13.09.2017. The case of the said medical college was considered by the Executive Committee in its meeting held on 14.12.2017 and the Executive Committee, after due deliberation, had decided to recommend to the Central Govt. to disapprove the application of the said medical colleges. The said decision of the Executive Committee was duly approved by the Hon’ble Supreme Court Mandated Oversight Committee vide letter dated 03.01.2018 and the same was communicated to the Central Govt. vide this office’s letter(s) dated 06.01.2018. Thereafter, there has been no communication from the Central Govt.
- (iii) Application by the Govt. of UP for establishment of new Medical College at Firozabad was recommended for disapproval as land, on which the proposed medical college was situated was disputed and litigation was pending before the Hon’ble High Court of Allahabad. Accordingly, the Council vide letter dated 25.10.17 recommended to the Govt. of India to disapprove the application of Govt. of UP for establishment of new Medical College at Firozabad. Subsequently, the Central Govt., after hearing the representative of State Govt., in its letter dated 21.12.2017 had clearly noted that “plot 53 M area 1.05 hectare is *sub-judice* at Hon’ble Allahabad High Court in WP No. 16532 of 2017. ... Efforts are being made for early resolution of the dispute for a small portion of the land.” However, the Central Govt. vide its letter dated 21.12.2017 has referred the case of the said medical college to the Council for review and the same was considered by the Executive Committee in its meeting held on 04.01.2018, wherein the Committee had decided to recommend to Central Govt. to disapprove the same. The said decision of the Executive Committee was duly approved by the Hon’ble Supreme Court Mandated Oversight Committee vide letter dated 22.01.2018, whereafter the same was communicated to the Central Govt. vide MCI letter dated 25.01.2018 Thereafter, there has been no communication from the Central Govt.
- (iv) In the case of application by the Govt. of Kerala for establishment of new Medical College at Idukki, Kerala the CoA submitted by the State Govt. was issued by the Kerala University of Health Sciences in 2013, in respect of Govt. Medical College, Idukki, which has lapsed after the closure of Govt. Medical College, Idukki w.e.f. 28-10-16. Further, The KUHS vide letter dated 13.10.17 had informed the Council that University has not granted continuation of provisional affiliation to Govt. Medical College, Idukki from the academic year 2016-17 onwards. Therefore, the Council vide letter dated 03.11.2017 recommended to the Govt. of India to disapprove the application by the Govt. of Kerala for establishment of new Medical College at Idukki from academic year 2018-19. Thereafter, there has been no communication from the Central Govt.

3. The Executive Committee further noted that that under the IMC Act, 1956 and the Regulations framed thereunder every scheme / application submitted by any applicant medical college under Section 10-A has to be complete in all respects and accompanied by all the requisite documents as stipulated in the Regulations. Any scheme / application submitted by a medical college, which is found to be incomplete or not accompanied by the requisite documents, is liable to be rejected at the threshold. In the case of *Royal Medical Trust)Regd (.and Another Vs .Union of India and Anr. (2015)10 SCC 19*, the Hon'ble Supreme Court, while laying down the guidelines for processing the application / scheme as well as grant of permission, has held that incomplete applications are liable to be rejected at the threshold. The relevant portion of the above-mentioned judgment is reproduced herein below:

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

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

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

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

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

4 The cases of all the above-mentioned medical colleges are squarely covered by the binding *dicta* of the Hon'ble Supreme Court as passed in the case of *Royal Medical Trust)Regd (.and Another Vs .Union of India and Anr. (2015)10 SCC 19*.

In view of the above the Executive Committee, after deliberations and discussions has decided that no further physical inspection / compliance verification inspections are required to be conducted in the cases of the above mentioned medical colleges as the applications in respect of the said medical college have already been processed as per the provisions of the IMC Act, 1956 and the Statutory Regulations made thereunder as well as the directions passed by the Hon'ble Supreme Court and the recommendations, thereof, have been sent by the Council to Central Govt. or shall be sent to the Central Govt., as the case maybe.

122. Establishment of New Medical College at Pali, Rajasthan (Government Medical College, Pali) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical College at Pali, Rajasthan (Government Medical College, Pali) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (24th April, 2018), previous assessment report (13th& 14th November, 2017) along with an undertaking of the Principal Secretary, Medical Education, Government of Rajasthan dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Pali, Rajasthan (Government Medical College, Pali) by Govt. of Rajasthan with an annual intake of 100 MBBS students under Rajasthan University of Health Science, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

123. Establishment of new medical college at Datia by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Datia by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (24th April, 2018), previous assessment report (16th& 17th November, 2017) along with an undertaking of the Principal Secretary & Commissioner, Medical Education, Govt. of Madhya Pradesh, dated 26.04.2018 and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Datia by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

124. Establishment of new medical college at Shahdol, Madhya Pradesh by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Shahdol, Madhya Pradesh by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the compliance verification assessment report (24th April, 2018) along with previous assessment report (16th& 17th November, 2017) and noted the following:-

- Teaching beds are inadequate as under:

#	Department	Beds		
		Required	Available	Deficit
1	Tb & Chest	08	02	06
2	Psychiatry	08	00	08
3	Skin & VD	08	00	08
	TOTAL			22

2. Deficiency of faculty is 77.96 % as detailed in the report.
3. Dr. N.K. Soni, Medical Superintendent, has administrative experience of only 2 years 9 months against requirement of 10 years; hence not qualified to hold the post.
4. Shortage of Residents is 91.11 % as detailed in the report.
5. Nursing staff: 126 Nursing staff are available against requirement of 175.
6. Although departments of Anatomy, Physiology & Biochemistry are constructed, there are no furniture, equipment & Instruments in all departments.
7. OPD: Teaching areas are not available. Injection room is common for males/females. Dressing room is common for males/females. Dark room, Minor Procedure room are not available in Ophthalmology OPD.
8. Audiometry room is not air-conditioned.
9. O.T.: Central O₂ and Central Suction are not available. Resuscitation equipment are inadequate.
10. CSSD: ETO Sterilizer is not available. Receiving & Distribution points are not separate.
11. Intercom: It is not available.
12. Construction of Lecture Theaters, Central Library, Students' Hostels, Residential Quarters is completed without furniture.
13. Central Photography section is not functional.
14. Website: It is not available.
15. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Shahdol, Madhya Pradesh by Govt. of Madhya Pradesh with an annual intake of 100 MBBS students under Madhya Pradesh Medical Science University, Jabalpur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 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.

125. Renewal of permission for MBBS course for 3rd batch (100 seats) of Dr. Baba Saheb Ambedkar Medical College, Rohini, New Delhi under Guru Gobind Singh Indraprastha University, Delhi u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of Dr. Baba Saheb Ambedkar Medical College, Rohini, New Delhi under Guru Gobind Singh Indraprastha University, Delhi u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the letter dated 23.04.2018 received from the Central Government, DO letter dated 16.04.2018 of the Principal Secretary, Health & F.W. Department, Govt. of NCT Delhi, additional/supportive documents submitted by the college, compliance verification assessment report (30th January, 2018), previous assessment report (6th & 7th Sept. 2017) along with an undertaking of the Principal Secretary, Health & F.W. Department, Government of NCT of Delhi dated 26.04.2018 and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch (100 seats) of Dr. Baba Saheb Ambedkar Medical College, Rohini, New Delhi under Guru Gobind Singh Indraprastha University, Delhi u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

126. Request to call for compliance/cause assessment directly from colleges and to send the revised recommendations to the Ministry in respect of Govt. Medical College, Badaun, Govt. Allopathic Medical College, Bahraich, UP and Govt. Medical College, Madhepura, Bihar.

Read: the matter with regard to request to call for compliance/cause assessment directly from colleges and to send the revised recommendations to the

Ministry in respect of Govt. Medical College, Badaun, Govt. Allopathic Medical College, Bahraich, UP and Govt. Medical College, Madhepura, Bihar.

The Executive Committee perused the letter dated 26.04.2018, whereby Central Government has in respect of Government Medical College, Badaun, UP; Government Allopathic Medical College, Bahraich, UP; and Government Medical College, Madhepura, Bihar; has asked the Council to call compliance from these three Colleges and cause assessment and send recommendation to the Ministry.

2. The Executive Committee noted that amongst other deficiencies the application of these three Medical Colleges were recommended for disapproval to the Central Government for failure to fulfil the qualifying criteria of "owning and managing a Hospital of not less than 300 beds." This decision has been communicated to the Central Government on 27.02.2018 after receiving the approval of Hon'ble Supreme Court mandated Oversight Committee on 23.02.2018. The Executive Committee further noted that as per the time-schedule for processing of applications the last date for the Council to make final recommendation to the Central Government is 30th April. Thus as on date there is no time left for calling compliance and causing compliance verification assessment of these three Medical Colleges. This time schedule has been approved by the Hon'ble Supreme Court in the case of *Ashish Ranjan & Ors. Vs. Union of India & Ors. - (2016) 11 SCC 225* vide order dated 18.01.2016.

3. The Executive Committee further noted that under the IMC Act, 1956 and the Regulations framed thereunder every scheme / application submitted by any applicant medical college under Section 10-A has to be complete in all respects and accompanied by all the requisite documents as stipulated in the Regulations. Any scheme / application submitted by a medical college, which is found to be incomplete or not accompanied by the requisite documents, is liable to be rejected at the threshold. In the case of *Royal Medical Trust Regd (.and Another Vs .Union of India and Anr. (2015)10 SCC 19*, the Hon'ble Supreme Court, while laying down the guidelines for processing the application / scheme as well as grant of permission, has held that incomplete applications are liable to be rejected at the threshold. The relevant portion of the above-mentioned judgment is reproduced herein below:

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

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

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

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

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

4. The cases of all the above-mentioned medical colleges are squarely covered by the binding *dicta* of the Hon'ble Supreme Court as passed in the case of *Royal Medical Trust)Regd (.and Another Vs .Union of India and Anr. (2015) 10 SCC 19.*
5. The Executive Committee further noted that till date the Council has not received any compliance in respect of the said medical colleges, from the State Governments, through the Central Government. Even as per the above quoted judgment of the Hon'ble Supreme Court, the college authorities are duty bound to submit compliance conveying rectification of the deficiencies pointed out by the Council through the Central Government. Therefore, in the absence of any such compliance, it is neither permissible nor possible for the Council to obtain/conduct any compliance verification assessment.

In view of the above the Executive Committee, after deliberations and discussions has decided that no further physical inspection / compliance verification inspections are required to be conducted in the cases of the above mentioned medical colleges as the applications in respect of the said medical college have already been processed as per the provisions of the IMC Act, 1956 and the Statutory Regulations made thereunder as well as the directions passed by the Hon'ble Supreme Court and the recommendations, thereof, have been sent by the Council to Central Govt. or shall be sent to the Central Govt., as the case maybe.

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

Place: New Delhi
Date: 26th April, 2018

(Dr. Reena Nayyar)
Secretary I/c

APPROVED

(Dr. Jayshree Mehta)
President

