

**MEDICAL COUNCIL OF INDIA****NEW DELHI**

Minutes of the meeting of the Board of Governors held on 31<sup>st</sup> May, 2011 at 9.30 a.m. in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi-110077.

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**The following were present:**

1.	Dr. K.K. Talwar	Chairman, Board of Governors
2.	Dr. (Prof.) H.S. Rissam	Member, Board of Governors
3.	Dr. Purshotam Lal	Member, Board of Governors
4.	Dr. Rajiv Chintaman Yeravdekar	Member, Board of Governors
5.	Dr. Kailash Sharma	Member, Board of Governors
6.	Dr. Sangeeta Sharma	Member Secretary

**1. Consideration of the positive decisions which were not communicated to the college authorities due to faculty found in two places.**

Read : The matter with regard to positive decisions which were not communicated to the college authorities due to faculty found in two places.

The Board of Governors considered the matter with regard to positive decisions which were not communicated to the college authorities due to faculty found in two places and observed that as per practice and procedure the following medical colleges were assessed and the said assessment reports have also been considered by the Undergraduate Committee/BOGs. As per decision of the BOG the positive decisions have been made but the same have not been communicated because of the reason that some of the teaching faculty which they have shown at the time of assessment of their colleges have been traced out in another medical colleges also. As per directions, the show cause letters have been issued to the college as well as teachers with directions to reply within 2 weeks. Some colleges as well as teachers have submitted their replies along with supporting documents.

Since the last date of issue of LOP is 15<sup>th</sup> June, 2011, action needs to be taken/process needs to be completed before June 15<sup>th</sup>, 2011.

S. No.	Name of the College (Positive decision)
1.	Meenakshi Medical College & Hospital, Chennai
2.	S.C.B. Medical College, Cuttack
3.	Govt. Medical College, Kota
4.	Great Eastern Medical School & Hospital, Ragolu, Srikakulam
5.	Army College of Medical Sciences, Delhi Cantt. New Delhi
6.	Sri Lakshmi Narayana Institute of Medical Sciences, Pondicherry
7.	Geetanjali Medical College & Hospital, Udaipur
8.	Tagore Medical College and Hospital, Chennai
9.	Increase of seats from 175 to 250 at M.P. Shah Medical College, Jamnagar
10.	Increase of seats from 100 to 150 at Mysore Medical College, Mysore
11.	Establishment of new medical college at Ghaziabad by Rama Educational Society, Kanpur .

For these 11 colleges listed above and such other medical colleges where show cause notice have been issued and decision were found to be positive, but the same is withheld pending examination of replies. In view of position explained above, the following course of action is submitted:-

The replies/documents submitted by the teachers and colleges who have been issued show cause notices may be examined by the Committee headed by Dr. Chandana Das and Law Officer and Legal (Retainer) and put up their recommendation before BOGs for further necessary action.

The Board of Governors also noted that Dr. Chandana Das requested that she is examining the declaration forms and some more time is required to go through the declaration forms and it was agreed upon. The Board directed to complete this exercise at the earliest and asked Secretary to chair the meeting with Dr. Chandana Das, Law officer, Dr. Devendra Kumar as members.

## **2. Establishment of new medical college in Andaman & Nicobar Islands.**

Read: The matter with regard to establishment of new medical college in Andaman & Nicobar Islands.

The Board of Governors considered the matter with regard to establishment of new medical college in Andaman & Nicobar Islands and observed that the Council office received a letter dated 13<sup>th</sup> September, 2010 from Sh. Sube Singh, Deputy Secretary Deputy Secretary (Medical Education) Govt. of India, Ministry of Health & Family Welfare, New Delhi, stating therein as under:

*"I am directed to say that on the directions of Hon'ble High Court of Calcutta, Circuit Bench, Port Blair, an Expert Committee was constituted by the Ministry of Home Affairs for the purpose of studying and assessing the feasibility of setting up of medical & engineering college in Andaman and Nicobar Islands. Consequently, the decision to establish a medical college at Port Blair was taken in the 11<sup>th</sup> IDA meeting under the Chairmanship of Hon'ble Prime Minister held on 15.06.2007.*

*The A&N Administration has a 450 bedded hospital namely G.B. Pant Hospital at Port Blair. Therefore the administration has decided to set up a medical college to upgrade the health facilities and medical education for the islanders. Because of the lack of space at the hospital, a piece of land measuring 43.31 hectares has been identified at a distance of 4 km from the hospital, for construction of medical college. In this regard, private parties have also been invited to construct the proposed medical college. The private parties have offered to construct, operate and maintain the medical college at their own cost, if the land is offered on long lease alongwith the use of G.B. Pant Hospital. The private partner, in turn will provide certain percentage of seats (20% to 40%) to the students of A&N Islands. The A&N Administration has further decided to utilize the Government Hospital as the teaching hospital. Since the medical college cannot be co-located at the site of existing Government hospital, therefore, the A&N Administration has decided to construct a medical college at a distance of 4 km from the existing hospital with a 150 bedded facility in the proposed college campus.*

1. In view of the special circumstances, A&N Administration has requested to grant them one time exemption on the following issues:

- (i) Permission to set up medical college which is 4 km from the existing Government Hospital at Port Blair.
- (ii) Permission to set up the medical college in partnership with a "not for profit" private party with the existing G.B. Pant Hospital being used as the Teaching Hospital."

In this connection, kind attention is invited to Gazette notification No. MCI.34(41)/2009-Med./ 76565 dated 26/02/2010 (Establishment of Medical College Regulations (Amendment), 2010), which reads as under:

*"4. Clause 2 (2) under the heading QUALIFYING CRITERIA shall be substituted as under:-*

*"The medical college or medical institution shall be housed in a unitary campus of not less than 20 acres of land except in mega cities (Mumbai, Kolkata, New Delhi and Chennai) and 'A' class cities (Ahmedabad, Hyderabad, Pune, Bangalore and Kanpur). However, this may be relaxed in a place especially in Urban areas where the population is more than 25 lakhs, other than the nine cities mentioned in the Clause, hilly areas, notified tribal areas, North Eastern States, Hill states and Union Territories of Andaman and Nicobar Islands, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep, where the land shall not be in more than two pieces and the distance between the two pieces shall not be more than 10 km. The hospital, college building including library and hostels for the students, interns PGs/Residents and nurses shall be in one piece of land which shall not be less than 10 acres. Other facilities may be housed in the other piece of land, Proper landscaping should be done.*

*However, in mega cities (Mumbai, Kolkata, New Delhi and Chennai) and 'A' class cities (Ahmedabad, Hyderabad, Pune, Bangalore and Kanpur), the permissible FAR/FSI would be the criterion for allowing the medical colleges provided that the total built up area required for adequate infrastructure including medical college, hospital, hostels, residential quarters, and other infrastructure required as per Minimum Standard Requirement Regulations is made available in an area of not less than 10 acres based upon the permissible FAR/FSI allowed by the competent authority."*

*5. In Clause 2 (5) under the heading QUALIFYING CRITERIA, the following proviso shall be added:*

*"Provided that in North Eastern States and Hill States, the beds strength required at the time of inception shall be 200 beds, which shall be increased to 400 beds at the time of recognition for a medical college having annual intake of 50 students and it shall be 250 beds at the time of inception which shall be increased to 500 beds at the time of recognition for a medical college having annual intake of 100 students."*

As per direction, the legal opinion obtained from the Retainer Advocate, the operative part of the legal opinion is reproduced as under:-

*"...the provision of the Regulation has to be read down in the manner which is consistent with the object it seeks to achieve. Therefore, islands like Andman and Nicobar and Lakshdweep, insistence of all facilities including hospital, college etc. on a piece of 10 acres of land would not be consistent with the objective the amended regulation seeks to achieve. Therefore, the regulation has to be read down in the manner in which it promotes the setting up of hospital in difficult areas without compromising with the highest standard of medical education.*

Therefore, the Board of Governors may exercise the power and clarify the ambiguity and the Central Govt. can also issue policy direction under IMC Amendment Act, 2010 where the Central Govt. has been vested with the power to issue policy direction that the setting up of the medical college and hospital in one contiguous piece of land is not mandatory requirement in case of Andman Nicobar island and Lakshdweep.

Thereafter, the MCI can entertain application for setting up of medical college in the island of Andman and Nicobar without insistence on the requirement that the college and hospital shall be situated on only one piece of land."

In this regards, the Council office has again received a D.O. letter dated 26.04.2011 from the Principal Secretary, Andaman & Nicobar Administration requesting therein to give one time exemption to this Administration to set up a medical college with 150 seats at a distance of 4 Km from the existing Govt. Hospital (which will be used as the teaching hospital) at Port Blair, and permission to set up this college in partnership with a "not for profit' private Party.

The Council office has also received a letter dated 11<sup>th</sup> May, 2011 from the Central Govt. stating therein as under:-

*"...The Ministry is of view that given the geographical situation of the Andaman and difficulty in obtaining the land, there is a clear case here for permission to be granted. In view of the foregoing, it is requested that the Establishment of New Medical Colleges Regulations may kindly be amended accordingly and sent to this Ministry for approval at the earliest."*

The matter has to be decided before the next meeting of IDA Committee, Planning Commission to be held on June 7, 2011.

Since this a policy decision which requires discussion the Board decided to discuss the matter after June 15, 2011 i.e., after the last date for permission of colleges.

**3. Change of affiliating university from Ch.Charan Singh University, Meerut, U.P. to Santosh University, Ghaziabad in respect of students being trained at Santosh Medical College, Ghaziabad.**

Read : The matter with regard to change of affiliating university from Ch.Charan Singh University, Meerut, U.P. to Santosh University, Ghaziabad in respect of students being trained at Santosh Medical College, Ghaziabad.

The Board of Governors considered the matter with regard to change of affiliating university from Ch.Charan Singh University, Meerut, U.P. to Santosh University, Ghaziabad in respect of students being trained at Santosh Medical College, Ghaziabad and observed that the Central Govt., Ministry of Health & F.W., Nirman Bhawan vide letter dated 25/04/2011 has forwarded a copy of letter dated 18.04.2011 received from Vice-chancellor, Santosh University, Ghaziabad requesting therein for recognition of MBBS qualification with an annual intake of 100 students being trained at Santosh Medical College, Ghaziabad also under Santosh University, Ghaziabad.

The Board of Governors of the Medical Council of India, as per resolution of the Executive Committee at its meeting held on 1988 i.e. **"No inspection is required where there is change of name and change of affiliation of the University or College whose medical qualification are already recognized and included in the 1<sup>st</sup> Schedule to the IMC Act, 1956...."**, recommended to the Central Government for the recognition of various P.G. Courses earlier recognized under Ch. Charan Singh University, Meerut be recognized under Santosh University being change of affiliation of the University and included in the first Schedule to the IMC Act, 1956.

In the light of the above and the MBBS degree awarded by the Ch. Charan Singh University, Meerut, Uttar Pradesh for the increased number of MBBS seats from 50 to 100 in respect of the students being trained at Santosh Medical College, Ghaziabad, Uttar Pradesh has already been recognized, the Medical Council of India, may please recommend to the Central Government for recognition under the MBBS qualifications with an intake of 100 students being trained at the Santosh Medical College & Hospital, Ghaziabad also under "Santosh University, Ghaziabad" also as it is being only the change of affiliation of the University and to include in the First Schedule to the IMC Act, 1956 (102 of 1956) so as to enable the students to get their MBBS degree awarded by the Santosh University registered at any Medical Councils."

In this connection, it is stated that the Executive Committee at its meeting held on 1988 considered the matter with regard to change of name and change of affiliation of the University or the medical college whose medical qualifications are already recognized in the 1<sup>st</sup> schedule of the IMC Act, 1956 and was decided as under:-

***“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council in view of the decision taken by the Executive Committee at its meeting held in June, 1988 viz. “No inspection is where there is change of name and change of affiliation of the University or College whose medical qualification are already recognized and included in the 1<sup>st</sup> Schedule to the IMC Act, 1956 unless the Executive Committee decided otherwise.”***

The Executive Committee at its meeting held on 2.4.2007 considered the letter dated 14.9.2005 from D.Y. Patil Education Society, Kolhapur with regard to inclusion of D.Y.Patil Education Society, Kolhapur (Deemed University) in the Schedule to the Indian Medical Council Act, 1956 and the decided as under: \_

***“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the letter dated 14.09.2005 from the President, D.Y. Patil Education Society, Kolhapur and decided that the University be advised to request the Council through the Central Government for recognition u/s 11(2) of the Indian Medical Council Act, 1956 when the first batch admitted in the final MBBS Part-II examination and final examination for various postgraduate degree/diploma courses under this University.”***

In view of the above, the Board of Governors discussed the matter and desired to find out the status of Santosh University from the HRD Ministry about the latest status of the ongoing case in the supreme court regarding deemed universities and also to take legal opinion on this matter.

#### **4. Compliance verification assessment reports – Consideration of**

The matter has been decided by the Board of Governors in a meeting held on 30.05.2011. Minutes of the same were finalized separately.

#### **5. Establishment of new medical college at Hamdard Nagar, New Delhi by Jamia Hamdard (Hamdard University), New Delhi u/s 10A of the IMC Act, 1956.**

Read: The matter with regard to establishment of new medical college at Hamdard Nagar, New Delhi by Jamia Hamdard (Hamdard University), New Delhi u/s 10A of the IMC Act, 1956.

The Board of Governors considered the matter with regard to establishment of new medical college at Hamdard Nagar, New Delhi by Jamia Hamdard (Hamdard University), New Delhi u/s 10A of the IMC Act, 1956 and observed that the Registrar, Jamia Hamdard University, Hamdard Nagar, New Delhi vide letter dated 27/09/2011 submitted the proposal for establishment of new medical college at Hamdard Nagar, New Delhi by Jamia Hamdard (Hamdard University), New Delhi u/s 10A of the IMC Act, 1956. On scrutiny of the application, the matter was considered by the U.G. Committee as appointed/constituted by the BOG at its meeting held on 4<sup>th</sup> Jan., 2011 and subsequently by the Board of Governors. The Board of Governors approved the following recommendations of the Undergraduate Committee:-

***“The members of the Undergraduate Committee appointed by the Board of Governors scrutinized the Project Report with regard to Establishment of Hamdard Institute of Medical Sciences & Research, Hamdard Nagar, New Delhi by Jamia Hamdard (Hamdard University), New Delhi u/s 10A of the IMC Act, 1956 and decided to recommend to the Board of Governors that the application is incomplete in terms of qualifying criteria i.e. number of beds in the hospital is not adequate as prescribed in the MCI norms. The Committee, therefore, decided to disapprove the scheme for establishment of Hamdard Institute of Medical Sciences & Research, Hamdard Nagar, New Delhi by Jamia Hamdard (Hamdard University), New Delhi u/s 10A of the IMC Act, 1956 for the academic session 2011-2012, as there is no provision in the I.M.C. Act, 1956 or regulations framed there under to keep the application pending with the Council for the next academic year.”***

The above decision was communicated to the college authorities vide this office letter dated 08.02.2011.

In reference to above, the college authorities vide letter dated 14.02.2011 submitted his representation which was replied by the Council vide letter dated 05.03.2011 stating therein

that ***“the Essentiality Certificate issued by the Delhi Government is not complete in terms of the numbers of beds and this was a shortage of beds on 30<sup>th</sup> November, 2010, which was the last date for application. It is not possible to accept any increase after the cut off date.”***

In response to above, the Registrar, Jamia Hamdard University vide letter dated 18/03/2011(received in the Council office on 22/03/2011) has again submitted his representation alongwith revised Essentiality Certificate dated 09.03.2011 issued by the State Govt. after the cut-off date i.e. 15<sup>th</sup> February for submission of compliance as prescribed in the Establishment of Medical College, Regulations, 1999, as amended from time to time. The same was considered by the competent authority and decided to take legal opinion in this matter. The Retainer Advocate has also been obtained.

In view of above, the Board of Governors decided to disapprove the application since *revised Essentiality Certificate was submitted after the cut-off date.*

#### **6. Starting of M.D.(Forensic Medicine) course at Sri Aurobindo Institute of Medical Sciences, Indore – Consideration of Court order.**

Read: the matter with regard to starting of M.D.(Forensic Medicine) course at Sri Aurobindo Institute of Medical Sciences, Indore and the Court order.

The Board of Governors considered the matter with regard to starting of M.D.(Forensic Medicine) course at Sri Aurobindo Institute of Medical Sciences, Indore and perused the recommendations of the Postgraduate Committee which reads as under:-

***“The Postgraduate committee at its meeting held on 4<sup>th</sup> & 5<sup>th</sup> March, 2011 considered the Assessor’s report Feb., 2011 on the physical and other teaching facilities available at Sri Aurobindo Institute of Medical Sciences, Indore for starting of MD(Forensic Medicine) course under the Devi Ahilya Vishwa Vidyalaya u/s 10A of the IMC Act, 1956 and decided as under:-***

***“The Postgraduate Committee appointed by the Board of Governors considered the Council Assessor’s report (February, 2011) and decided to recommend to the Board of Governors not to issue Letter of Intent for starting of MD(Forensic Medicine) course at Sri Aurobindo Institute of Medical Sciences, Indore under Devi Ahilya Vishwa Vidyalaya u/s 10A of the IMC Act, 1956 because of the following:-***

- (i) Teaching faculty is inadequate.***
- (ii) Other deficiencies/remarks pointed out in the assessment report.”***

The above decision was communicated to the college authorities vide council letter dated 19.03.2011.

On receipt of compliance the matter was placed before the member, BOG and it was decided to reiterate the earlier P.G. committee decision. Accordingly, letter was sent to the college authorities on 31.3.2011 not to issue LOI for starting of MD(Forensic Medicine) course at Sri Aurobindo Institute of Medical Sciences, Indore as the compliance is unsatisfactory.

The college authorities filed Writ Petition No. 3149/11 in the Hon’ble High Court of M.P. against the decision of Board of Governors. The Hon’ble High Court of Madhya Pradesh vide order dated 26.4.2011 has passed in W.P. No. 3149 of 2011 has held that the petitioner is entitled to opportunity of hearing in terms of Sub-Section 3 of Section 10A of IMC Act, 1956. The Hon’ble High court has also held that the order passed by the M.C.I. dated 31.3.2011 is non-speaking order as the representation of medical college has not been dealt with by M.C.I. The Hon’ble High Court has further issued direction to take a fresh decision in the matter of grant of permission in respect of MD(Forensic Medicine) course by BOG expeditiously and preferably within a period of 10 days.

The matter was placed before the Retainer/ Advocate of the council who opined that the order of the Hon’ble High Court is in accordance of law. MCI is required in terms of the order to pass appropriate order on the application of Sri Aurobindo Institute of Medical Sciences, Indore expeditiously as there is a direction by the Hon’ble High Court to pass the order preferably within a period of 10 days.

Accordingly Dr.S.D.Joshi, Dean, Dr.Vinod Bhandari, Chairman, Dr.Sanjiv Naik, Advisor of Aurobindo Instt. of Med.Sciences, Indore sought and granted personal hearing by the competent authority on 13.5.2011. On the said date, the college submitted a detailed representation containing 10 annexures of 56 pages to the competent authority.

The college submitted the requirement of additional faculty in terms of sub-clause 11.2(a) of Postgraduate Medical Education Regulations, 2000 is confined to Deptt. Of Pathology, Radiology & Anaesthesiology. The college has further submitted that MCI by notification dt.6.10.2009 for the first time permitted those colleges having permission of 4<sup>th</sup> batch of MBBS students have been made eligible to apply for postgraduate in pre and para clinical disciplines.

The college further submitted that it has appointed one Associate Prof. in Forensic Medicine on 11.2.2011 and the MCI was informed by the college vide letter dt.16.3.2011.

It has further stated that deficiencies pointed out in the letter of the Board of Governors dt.19.3.2011 have been complied with. It was further stated in the representation by the college that the compliance was submitted again on 30.3.2011. The college contended that after having appointed additional faculty, the application of the college ought not to have been rejected.

The representations in writing as well as points submitted during the course of hearing were duly considered by the competent authority and after examining the same it was decided to disapprove the application for the academic year 2011-2012.

The decision of the competent authority to disapprove the application emanates from the report of the assessors, the requirement of regulation and none adherence of time schedule followed by the college.

The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000 provides for submission of application for starting Postgraduate Medical Course is by 31<sup>st</sup> May. The Regulation requires that the application submitted by college should be in accordance with requirement of Postgraduate Medical Education Regulations.

Admittedly the college was not having faculty in terms of Postgraduate Medical Education Regulations, 2000. The assessors assessed the college and noticed that on the date of assessment i.e. 2<sup>nd</sup> & 3<sup>rd</sup> February, 2011 the college is having only one Professor and one Assistant Professor. The requirement of regulation is that the college must possess one Professor, one Associate Professor & one Assistant Professor to run postgraduate department. The said report of assessor regarding shortage of faculty on the date of assessment has not been denied by the college. The college has not given any justification as to why it was not having faculty strength on the date of assessment by assessor. The Hon'ble Supreme Court in the case of Mridul Dhar –vs- Union of India,2005 (2) SCC65 has held that authorities are bound to follow the time schedule for admission without fail. Therefore, it was the duty of the college to have the proper teaching faculty at least on the date of assessment.

The college has submitted that it appointed one Assoc. Prof. on 11.2.2011 and the information regarding appointment was sent only on 16.3.2011 and received on 17.3.2011. The college has failed to indicate as to why it did not inform the MCI immediately after appointment of Assoc. Prof. The college has wrongly relied on notification dt.17.09.2010 relating to amendment in Minimum Standard of Requirement for 100 MBBS admissions annually Regulation, 1999 to contend that it was required to appoint either Assoc. Prof. or Assistant Professor. The said submission is misconceived in as much as the college on its own appointed Associate Professor on 11.2.2011. Therefore, the college was fully aware of the minimum requirement of having 3 teaching faculty for starting a postgraduate medical course and there is no justification as to why it did not appoint 3 faculty members nor is there any justification in not communicating the appointment of Associate Professor immediately after appointment. Therefore, there is clear lapse on the part of the college in complying with provision of the Regulations.

The Medical Council of India in terms of regulations is required to verify the correctness of the information regarding the strength of faculty. This would not have been possible in this

case without again sending assessor. The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000 provides for time schedule within which the application can be entertained and final decision can be taken. The object of the said regulation is to ensure that the MCI uniformly deals with the application of all colleges coming from all over India. Any exception would lead to collapse of procedure as framed in the regulations. Therefore, the college has not complied with mandatory requirement well in time. There is no justification for not appointing the adequate faculty strength and after having come to know the requirement and after appointing the additional faculty, there is no plausible explanation in whole of the representation as to why it did not inform MCI immediately regarding such appointment.

Therefore, in view of the fact that there is a shortage of faculty on the date of assessment, inordinate delay in complying with requirement of Regulation regarding faculty strength, the competent authority has decided to disapprove the application of the college for the current academic year. However, it is open to the college to apply for starting of postgraduate medical course of For. Medicine for the next academic year as per the guidelines prescribed in regulations. It is also to be noted that the verification of faculty strength (both new & old) by an assessor, the examination of the report of assessor by the Postgraduate Committee and decision by Board of Governors after such assessment require some time. Moreover the Hon'ble Supreme Court in the case of Mridul Dhar has held that no admission can be given beyond 31<sup>st</sup> May in Postgraduate Medical course.

In view of the above, the competent authority is of the opinion that the application for starting of MD Forensic Medicine) course for current academic year cannot be allowed.

Prof. Ranjit Roy Chaudhury, the then Member, BOG has recorded in his note that the permission can granted to Sri Aurobindo Medical College, Indore and the staff present can be verified and he has said in his note that there is no reason to withhold recognition. He has also said in his note that the final decision will be of the Chairman (incoming).

The Govt. of India has notified a new Board of Governors on 15.5.2011 and the Board held its first meeting on 24.5.2011.

It is however important to note the communication of Govt. of India bearing No. F.No. V 11012/5/2009-ME.(P.I) dated 28.2.2011 and the relevant para of the said letter placed on the file reads as under:-

“With reference to MCI letter No. MCI-23(1)/2010-Med./69478 dated 23<sup>rd</sup> Feb., 201, on the subject above, I am convey the approval of the Central Government to the one time extension of time schedule for the issue of LOP from 28<sup>th</sup> Feb., 2011 to 31<sup>st</sup> March., 2011 in r/o PG medical courses for the academic year 2011-12. This should be treated as one time relaxation.”

It is stated that the matter along with compliance report submitted at the time of personal hearing and the assessors report (Feb., 2011) for starting of MD (Forensic Medicine) course at Sri Aurobindo Instt. of Medical Sciences, Indore was considered by the Board of Governors at its meeting held on 30.05.2011.

The matter was considered in detail and it was unanimously decided that to reiterate its earlier decision taken by the PG Committee at its meeting held on 4-5.03.2011 and the earlier decision of the Board of Governors as communicated vide letter dt. 31.03.2011 and further decided that the institution cannot be permitted for starting of the said course for the academic year 2011-12. Hon'ble High Court vide order dt.26.04.2011 passed in W.P.No.3149 of 2011 directed the Board of Governors in super-session of Medical Council of India to consider the case of Sri Aurobindo Instt. of Medical Sciences, Indore for starting of MD(Forensic Medicine) course. The college has submitted that it appointed one Assoc. Prof. on 11.2.2011 and the information regarding appointment was sent only on 16.3.2011 and received on 17.3.2011. The college has failed to indicate as to why it did not inform the MCI immediately after appointment of Assoc. Prof. Therefore, in view of the fact that there is a shortage of faculty on the date of assessment, inordinate delay in complying with requirement of Regulation regarding faculty



strength, the competent authority has decided to disapprove the application of the college for the current academic year as the last date of issuance of LOI/LOP is 31.03.2011 as per the Central Government letter dated 28.02.2011.

The Hon'ble Supreme Court Vs Mridul Dhar Vs UOI 2005(2) SSC65 has held that authorities are bound to follow the time schedule for admission without fail. However, it is open to the college to apply for starting of postgraduate medical course of Forensic Medicine for the next academic year as per the guidelines prescribed in regulations.

In view of the above said letter, the Board of Governors decided not to grant Letter of Permission for the academic year 2011-2012.

**7. Award of Annual Maintenance Contract of various equipments installed in the Council's building (2011-2012).**

Read: The matter with regard to award of annual maintenance contract of various equipments installed in the Council's building (2011-2012).

The Board of Governors considered the matter with regard to award of annual maintenance contract of various equipments installed in the Council's building (2011-2012) and observed that the Executive Committee at its meeting held on 04/03/2010 approved the award of A.M.Cs. of various equipments installed in the Council's building for the year 2010-2011. All the contracts of A.M.C. have already expired on 31/03/2011 but still they are continuously providing their services, and is found to be satisfactory. Details given in the following table: -

Sl. No.	Item	Name of agencies	Previous Rates (Rs.)	Revised Rates (Rs.)	Providing AMC for the last	%age of present increase	Last increase in the year & % age	Recommendations
01.	A.M.C. – A/C Plant along with Air Handling units/ FCUs/Air washers	M/s Welcome Engineers (earlier M/s Voltas Ltd.)	3,12,160/-	3,12,160/- plus 10% extra	2 years	Nil	Nil	AMC - HVAC AMC on the earlier year's cost may be approved
02.	3 Lifts of Main Building	M/s Kone Elevator India Pvt. Ltd.	2,29,411/-	2,63,822.16	5 years	15%	2009-10 20%	AMC – 3 lifts AMC with 10% increase on the earlier cost may be approved, because 20% increase was granted in the year 2009-10. Rs.2,52,352/-
03.	2 Lifts of Guest House Complex	M/s Kone Elevator India Pvt. Ltd.	1,00,868/-	1,15,998.10	5 years	15%	2009-10 20%	AMC – 2 lifts AMC with 10% increase on the earlier cost may be approved, because 20% increase was granted in the year 2009-10. Rs.1,10,955/-

04.	Siemens Telephone Systems (EPABX)	M/s Gurusons Communications Pvt. Ltd.	1,80,892/-	1,80,892/-	5 years	Nil	Nil	AMC on the earlier year's cost may be awarded.
05.	Fire Fighting Equipments	M/s Am-Tech Fire Systems	5,02,740/- (plus taxes extra)	7,46,378/-	5 years	48.46%	First time increase	AMC with 20% increase on the earlier cost may be approved. Rs.6,03,288/-
06.	DG Set 380 KVA	M/s O.V.N. Trading Co.	36,233/-	39,500/-	3 years	09%	First time increase	AMC with 09% increase in earlier cost may be approved
07.	DG Set 500 KVA	M/s P.R. Sales & Services	36,000/- (plus 10.30% Service Tax)	40,811/- (plus 10.30% Service Tax)	2 years	13.36%	First time increase	AMC on the earlier cost with 10% increase may be awarded Rs. 39,600/-
08.	Copier No.5308B	M/s Ricoh India Ltd.	15,000/- (plus taxes extra)	15,000/- (plus taxes extra)	4 years	Nil	Nil	AMC on the earlier year's cost may be awarded
09.	Fax Machines (B-820x2) (B-120x1) (HP350x1)	M/s R.S. Corporation	16,664/-	16,664/-	3 years	Nil	Nil	AMC on the earlier year's cost may be awarded
10.	Canon MFD-4350D (3)	M/s R.S. Corporation	--	14,891/-	1 year	Nil	Nil	AMC on the earlier year's cost may be awarded
11.	Canon Laser Fax (L-140x2)	M/s R.S. Corporation	8,824/-	8,824/-	3 years	Nil	Nil	AMC on the earlier year's cost may be awarded

It may be observed from the above that the contractors mentioned at Sl. No. 02, 03, 05, 06 and 07, have enhanced the rates of AMC compared to last year, due to the reasons mentioned by them, which is available in the concerned file.

As regards, the A.M.C. for the maintenance of plants and the CCTV, R.O. System, Water Softener and other equipments installed in the Conference Hall and Auditorium, it is stated that last year no A.M.C. was awarded for the same. Therefore, quotations will be required to be invited for the said work.

These proposals have been examined by the Accounts functionary. In view of above, matter regarding award of A.M.C. to above agencies (Sr. No. 1 to 11) for maintaining the various equipments installed in the Council building for the year 2011-12 was placed before the Board of Governors of the Council and the Board asked for rules for increase in the AMC amount.

**8. Court Order regarding Starting of MD(Pharmacology) course at Shri Ram Murli Smarak Institute of Medical Sciences, Bareilly under M J P Rohilkhand University, Bareilly u/s 10A of the IMC Act, 1956.**

Read: The matter with regard to starting of MD(Pharmacology) course at Shri Ram Murli Smarak Institute of Medical Sciences, Bareilly under M J P Rohilkhand University, Bareilly u/s 10A of the IMC Act, 1956 and the Court order.

The Board of Governors considered the matter with regard to starting of M.D.(Pharmacology) course at Shri Ram Murti Smarak Institute of Medical Sciences, Bareilly and observed that the Postgraduate committee appointed by BOG at its meeting held on 28<sup>th</sup> February 2011 considered the Council Assessor's report (February, 2011) on the physical and other teaching facilities available at Shri Ram Murti Smarak Institute of Medical Sciences, Bareilly for starting of MD(Pharmacology) course under M J P Rohilkhand University, Bareilly u/s 10A of the IMC Act, 1956. The Committee decided as under:-

*The Postgraduate Committee appointed by the Board of Governors considered the Council Assessor's report (February, 2011) and decided to recommend to the Board of Governors not to issue Letter of Intent for starting of MD(Pharmacology) course at Shri Ram Murti Smarak Institute of Medical Sciences, Bareilly under M J P Rohilkhand University, Bareilly u/s 10A of the IMC Act, 1956 because of the following:-*

- (i) *Animal house not available.*
- (ii) *Infrastructure is inadequate.*
- (iii) *Other deficiencies/remarks pointed out in the assessment report.*

The above decision was communicated to the college authorities vide this office letter dated 12.03.2011. In reference to above college vide letter dated 21.03.2011 has furnished the compliance for review the matter. The matter along with the compliance was again placed before the P.G. Committee at its meeting held on 30.03.2011. The Committee decided as under:

*"The Postgraduate Committee appointed by the Board of Governors considered the compliance along with Council Assessor's report (February, 2011) and decided to reiterate its earlier decision taken at its meeting held on 28.02.2011 recommending to the Board of Governors not to issue Letter of Intent for starting of MD(Pharmacology) course at Shri Ram Murti Smarak Institute of Medical Sciences, Bareilly under M J P Rohilkhand University, Bareilly u/s 10A of the IMC Act, 1956, as the compliance is unsatisfactory."*

The above decision was communicated to the college authorities vide this office letter dated 31.03.2011. In reference to above college vide letter dated 04.04.2011 has furnished the compliance for review the matter. The matter along with the compliance was again placed before the P.G. Committee at its meeting held on 10.04.2011. The Committee decided as under:

*"The Postgraduate Committee appointed by the Board of Governors reviewed the compliance alongwith Council Assessor's report (February, 2011) and decided to recommend to the Board of Governors to issue Letter of Permission for starting of MD(Pharmacology) course at Shri Ram Murti Smarak Institute of Medical Sciences, Bareilly under M J P Rohilkhand University, Bareilly u/s 10A of the IMC Act, 1956 prospectively i.e. from the academic session 2011-2012 restricting the number of admission to 2(Two) students per year, till the first batch admitted appears in the final examination of the said course. The institution be advised to apply for recognition of the qualification at the time of first available examination as per the provision of Section 11(2) of the IMC Act, 1956.*

*The Postgraduate Committee appointed by the Board of Governors and further decided that addendum can be added. "*

The above decision has not been communicated to college authorities as per direction of the Board of Governors.

The college has filed the W.P.(C) No. 2554/2011 & 2555/2011 & 2556/2011 in the matter of "Sri Ram Murti Smarak Trust Vs Medical Council of India & Anr in the High Court of Delhi at New Delhi. The matter in light of above W. (C) No. 2554/2011 & 2555/2011 & 2556/2011 was considered by the Postgraduate Committee at its meeting held on 23.5.2011 and the Committee decided as under:-

The Postgraduate Committee appointed by the Board of Governors reconsidered the Council Assessor's report (February, 2011) in the light of W.P.(C) No. 2554/2011 & 2555/2011 & 2556/2011 in the matter of Sri Ram Murti Smarak Trust Vs. Medical Council of India & Anr. in

the High Court of Delhi at New Delhi and noted that the Committee already recommended 2(two) seats at its meeting held on 10.04.2011 and decided to issue Letter of Permission with 2(two) seats annually from the next academic year, till the first batch admitted appears in the final examination of the said course. The institution be advised to apply for recognition of the qualification at the time of first available examination as per the provision of section 11(2) of the IMC Act, 1956.

Meantime a letter dt. 26.05.2011 has been conveyed and the contents of the letter are as under:-

1. Hon'ble High Court of Delhi vide order dt. 11.5.2011 passed in W.P. No. 2554/2011, 2555/2011 & 2556/2011 directed the medical college to make a representation to MCI within a period of 3 days of the order and thereafter directed the MCI to dispose of the representation of the medical college after affording an opportunity of the hearing to the petitioner namely Sh. Ram Murti Smarak Trust.
2. Ram Murti Smarak Trust submitted a detailed representation dated 15.5.2011 and sought personal hearing vide letter dated 23.5.2011 and granted personal hearing on 24.5.2011 by competent authority.
3. Dr. (Prof.) K.K. Dwivedi, Dean and Mr. Aditya Murti, of Ram Murti Smarak Insttt. Represented the medical college and they were heard by the competent authority. In representation and during the course of hearing, they emphasized that deficiencies which have formed the basis for disapproving the application is not borne out from the records. As per the college there is no deficiency in the college warranting rejection of the application seeking starting of the postgraduate medical course in the discipline of Pharmacology.
4. After going through the representations and after considering the submissions made during the course of hearing and after perusing the file, records of Postgraduate Committee, it was noticed that the deficiency pointed out in the letter of rejection by MCI related to none availability of Animal House and it was also pointed out in the said rejection letter that infrastructure is inadequate. On perusal of the report of the assessor and detailed compliance submitted by the college, it has been noticed that the animal house is available with the college. Therefore, in the opinion of the competent authority, as on today, there is no deficiency in the college.
5. The letter of the Govt. of India dt. 28.02.2011 regarding request for extension of time scheduled from 28.2.2011 to 31.3.2011 was brought to the notice of Board of Governors. The said letter clearly provides that the Central Govt. has granted one time extension of time schedule for the issue of LOP from 28.2.2011 to 31.3.2011. The contents of the above letter reads as under:-

“The approval of the Central Govt. to the one time extension of time schedule for the issue of LOP from 28<sup>th</sup> Feb., 2011 to 31<sup>st</sup> March, 2011 in r/o PG Medical courses for the academic year 2011-12. This should be treated as one time relaxation.”

Besides Hon'ble Supreme Court should be kept informed about this extension which was given in view of the exigencies of the situation. MCI would also issue a public notice regarding the extension of time for grant of LOIO/LOP through print media and various other possible means for general information.

In view of this, MCI is requested to take further action as required and directed above, under intimation to this Ministry.”

In view of the above, the request of the college cannot be considered for the academic year 2011-12. However, the request for starting of MD (Pharmacology) course is under consideration for the academic year 2012-13.

Now, the Council office has received the order of the Hon'ble High Court of Delhi.

The matter pertaining to the proposal of MD (Pharmacology) course at Shri Ram Murti Smarak Institute of Medical Sciences, Bareilly under MJP Rohaikhand University, Bareilly u/s. 10 A of the IMC Act, 1956 was considered by the Board of Governors in its Meeting on 30 May 2011.

In pursuance of the order of Hon'ble High Court of Delhi in Writ Petition (C) 2554/2011 on 11 May, 2011 a personal hearing was granted to Shri Ram Murti Smarak Trust on 24.05.2011. After going through the representations and after considering the submissions made during the course of hearing and after perusing file, records of Postgraduate Committee, it was noticed that the deficiency pointed out in the letter of rejection related to non availability of animal house and it was also pointed out in the said rejection letter that infrastructure is inadequate. On perusal of the report of the assessor and detailed compliance submitted by the college, it has been noticed that the animal house is available with the college, therefore, in the opinion of the competent authority as on that day there was no deficiency in the college.

However, in view of Govt. of India letter dt. 28.02.2011 regarding request for extension of time schedule from 28.02.2011 to 31.03.2011 the said letter clearly provides that the Central Govt. has granted one time extension of time schedule for the issue of LOP from 28.02.2011 to 31.03.2011.

In view of the above, the request of the college cannot be considered for the academic year 2011-12.

The matter was considered by the Hon'ble High Court of Delhi on 26.05.2011. The letter of retainer Advocate, Sh. Amit Kumar dt. 27.05.2011 is on record. It says that *"the Hon'ble High Court after hearing the counsel for the parties at length directed that the issuance of letter of permission to the college for seats applied by the college for starting the course of MD(Pharmacology) for current academic year. The Hon'ble High Court further directed the MCI should mention the said fact on the website of MCI forthwith. The Writ Petition was accordingly disposed of."*

In view of the above said court order, the Board of Governors decided to grant Letter of Permission for starting of MD Pharmacology) course for the academic year 2011-2012 and the same to be communicated to the college and also displayed on the website of the MCI.

#### **9. Consideration of issuance of Letter of Permission for Super Specialties :- reg.**

Read: The matter with regard to issuance of Letter of Permission for super Specialties.

The Board of Governors considered the matter with regard to issuance of Letter of Permission for super specialties and observed that as per the Regulations prescribed u/s 10(A) of the IMC Act, 1956, for starting/increase of seats in Postgraduate courses, Letter of Intent is issued and subsequently Letter of Permission is issued upon receipt of the Bank Guarantee as well as acceptance of other conditions enumerated in Letter of Intent.

As per earlier procedure/practice, LOP was issued as per the written approval on the concerned file by the BOG on fulfillment of the following conditions enumerated in Letter of Intent:-

1. The applicant should provide all infrastructural facilities in terms of teaching and non-teaching staff, buildings, equipment and hospital facilities as per Medical Council of India norms.
2. Other deficiencies if any pointed out in the inspection report should be rectified. A copy of MCI inspection report is enclosed.
3. No student should be admitted in the above courses till the formal permission of the Board of Governors is granted.
4. The applicant should provide Bank Guarantee of required amount wherever required in favour of Secretary, Medical Council of India, New Delhi valid for three years from a nationalized/scheduled Bank as per MCI's norms against starting of above said course (for private medical college only).

The last date of issuance of letter of permission as per section 10(A) is 15<sup>th</sup> June. For 20 Postgraduate courses already, Letter of Intent have been issued and the LOP has to be issued after receipt of the acceptance letter / Bank Guarantee.

In view of above, the Board of Governors decided that:

1. The Letter of Permission for all the courses for which the LOI have already been issued, LOP may be issued by the Secretary of the Council directly after checking documents and clearance from Finance Department/Section. The same be put up in the next BOG meeting for ratification.
  2. The Bank Guarantee/acceptance letter for the remaining courses, LOP may also be issued by the Secretary of the Council after checking documents and clearance from Finance Department/Section.
10. **Assessment of the physical and the other teaching facilities available for renewal of permission for MBBS course for 2<sup>nd</sup> Batch of MBBS students of D.D. Medical College and Hospital, Chennai for the academic session 2011-2012 under the Tamil Nadu Dr. M.G.R. Medical College University, Chennai u/s 10A of the IMC Act, 1956.**

The Board of Governors observed that the Council vide letter dated 12/07/2010 had issued Letter of Permission for establishment of D.D. Medical College & Hospital, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2010-2011. Surprise assessment for renewal of permission for admission of 2<sup>nd</sup> batch of MBBS students at DD Medical College & DD Hospital was carried out by the Council Assessors on 15-16 March, 2011. The Board of Governors had received serious complaints about exercising coercion and undue influence over the assessors appointed by the college and other complaint against the DD College and accordingly, Letter No. MCI-34 (41)/2011-Med./111419-111422 dated 19/05/2011 the Principal of DD Medical College was inter alia informed that:

*“The Board of Governors after having considered complaints and other relevant materials decided not to renew the permission for admission of 2<sup>nd</sup> batch of MBBS students for the academic session 2011 at D.D. Medical College & Hospital, Chennai.”*

The following other complaints as regards the DD Medical College & Hospital, Chennai are also under examination:

**2. Show Cause Notice to five teaching Faculty of DD Medical College on the basis of verification of Declaration Forms**

Show cause Notice vide letter No. MCI-34 (41)/2011-Med/9032, 9008, 9002, 9077 & 9047 dated 10/05/2011 has been issued in respect of following five teaching faculties of D.D. Medical College and D.D. Hospital, Chennai:

1. Dr. P. Nagendra, Assistant Professor, Department of Orthopedics
2. Dr. D. Ramachandra Reddy, Associate Professor, Department of Dermatology
3. Dr. M. Bala Gopal, Assistant Professor, Department of Pediatrics
4. Dr. Mahesh D.V., Assistant Professor, Department of Orthopedics
5. Dr. M. Mani, Associate Professor, Department of Pharmacology

The replies to the Show Cause Notice received from the Faculty and Colleges is currently being examined.

Regulation amended on 16.4.2010 provides for taking strict action in case of false representation is made by the College regarding faculty. The relevant portion is as under:

“New Delhi, the 16th April, 2010

No. MCI.34(41)/2010-Med./3491. - In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956(102 of 1956), the Medical Council of India with the previous sanction of the Central Government hereby makes the following regulations to further amend the “Establishment of Medical College Regulations, 1999” namely:-

(i) These regulations may be called the “Establishment of Medical College Regulations, (Amendment), 2010 (Part II)”.

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In the “Establishment of Medical College Regulations, 1999”, the following additions / modifications / deletions / substitutions, shall be as indicated therein:-

**(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.”**

**3. Complaints from Parents and Complainant forwarded from CBI Office, Chennai**

An anonymous complaint (e-mail) from a parent dated 04/05/2011 addressed to the Secretary from e-mail address [itsme.parents@rediffmail.com](mailto:itsme.parents@rediffmail.com) in which the complainant says that he was parent of one of the students studying in DD Medical and alleges that there were no good doctors and no patients, but they were getting permissions. It has also been alleged that the claim of Chairman Dr. T. D. Naidu to be a product of AIIMS is not correct. The complainant has requested for maintaining standards and doing justice to their children. From the same e-mail address another e-mail has been received on 13/05/2011 alleging irregularities.

The Chief Vigilance Officer, MCI has received a letter bearing reference no. C6/CA/2011/586 dated 18/05/2011 from the Superintendent of Police [CBI:ACB: Chennai]. Vide this letter CA 813/2011 and 814/2011 in original has been forwarded to the CVO, MCI for taking necessary action. It is also stated that the CBI has not caused any enquiry on the enclosed complaints.

The CVO has requested the Secretary, MCI to examine and comment upon these complaints.

As regards complaint no. 813/2011 is in Tamil language and it is being translated. Concerning complaint no. 814/2011 that is in English language, and is sent through e-mail by e-mail id [itsme.parents@rediffmail.com](mailto:itsme.parents@rediffmail.com) dated 13/05/2011 to the ACB, Chennai, Central Zone, at email id: hobacchn@cbi.gov.in. The contents of the email dated 13/05/2011 addressed to CBI and the MCI is same.

The Allegations contained in this complaint pertain to the D. D. Medical College, Thiruvallur TK, Chennai. It may be categorized under the following heads:

- Forgery in Declaration Forms
- Seeking Form 16 and TDS Certificate from the College along with the Declaration Forms
- Calling for strict measures during time of inspection like Video Shooting of entire MCI Inspection, taking finger prints of the Doctors
- Issuing of biometric identification to Doctors to prevent malpractices by private management colleges
- MBBS and MS degrees of Chairman of DD Medical College are questioned. Complainant has requested for its verification.

**4. Attempt by Dr. T.D. Naidu to influence the decision-making process of the Board of Governors by taking up the case of Dr. Davinder Kumar, Joint Secretary for promotion to Additional Secretary**

Dr. T. D. Naidu, Chairman, D.D. Medical College in his capacity of the President of All India Medical Association, Chennai, Tamil Nadu has sent various letters to the CBI, Prime Minister's Office, and Secretary, MOHFW alleging illegal appointment of Dr. Payal Kumar Bansal as Additional Secretary and strongly recommending the name of Dr. Davinder Kumar for promotion to the post of Additional Secretary. ***It may be noted that in the letter to CBI, Dr. T.D. Naidu has enclosed various photocopies of the letters and internal noting of the files of the Council.***

It is pertinent to add in here that the rule regarding a Govt. servant who shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his/her interest in respect of matters pertaining to his/her service under the Government, is as under:

**“Rule 20 of the CCS (Conduct) Rules. Canvassing of non-official or other outside influence**

No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government.

In view of above, the Board of Governors noted the decision of the previous Board.

**11. Recognition/Approval of Kesar Sal Medical College & Research Institute, Ahmedabad for the award of MBBS degree granted by Gujarat University u/s 11(2) of the Indian Medical Council Act,1956.**

Read: The matter with regard to Recognition/Approval of Kesar Sal Medical College & Research Institute, Ahmedabad for the award of MBBS degree granted by Gujarat University u/s 11(2) of the Indian Medical Council Act,1956.

The Board of Governors considered the matter with regard to Recognition/Approval of Kesar Sal Medical College & Research Institute, Ahmedabad for the award of MBBS degree granted by Gujarat University u/s 11(2) of the Indian Medical Council Act,1956 and observed as under:-

**Brief status of the college is as below:**

- 2003-04 Application for establishment of Kesar Sal Medical College & Research Institute, Ahmedabad by Adarsh Foundation Trust, Ahmedabad was received through the Central Govt.
- Based upon Inspection, MCI decided to recommend to the Central Govt. not to issue Letter of Intent for the establishment of the proposed Medical College.
- Subsequently, re-inspection done – again deficiencies found – MCI decided not to issue Letter of Permission u/s 10 A of the IMC Act, 1956.
- Compliance Report received through Central Govt. Inspection carried out and MCI decided on 02/07/2004 to recommend to the Central Govt. to issue Letter of Permission with an annual intake of 100 students for the academic session 2004-05 u/s 10A of the IMC Act, 1956.
- 27 July 2004 Central Govt. issued Letter of Permission u/s. 10A of the IMC Act, 1956 with an annual intake of 100 students with prospective effect, i.e., from the academic session 2004-05.
- May-Jul 2005 Inspection for renewal of permission for 2<sup>nd</sup> Batch for the academic session 2005-06 – because of gross deficiencies – MCI decided to recommend to the Central Govt. not to renew the permission.
- Persisting deficiencies in the Compliance Report- MCI reiterated its decision.
- August 2005 Supreme Court order to verify the compliance report of May 2005. Based upon Inspection- Renewal of permission for 2<sup>nd</sup> batch recommended to Central Govt and the Central Govt. renews the permission.
- Apr-Jun 2006 Inspection for renewal of permission for 3<sup>rd</sup> batch for the academic year 2006-07 deficiencies – MCI decided to recommend to the Central Govt. not to renew – Compliance Report submitted- MCI recommends to renew permission for 3<sup>rd</sup> batch – Permission of Central Govt. granted.
- May-Jun 2007 Inspection for renewal of permission for 4<sup>th</sup> Batch for the academic session 2007-08 – MCI decided in view of the deficiencies pointed out to recommend to the Central Govt. not to renew the permission – decision communicated to Central Govt.
- Aug 2007 Supreme Court Order to verify compliance report. Inspection carried out – MCI decided to recommend to the Central Govt. not to renew the permission for admission of 4<sup>th</sup> Batch – Decision communicated to Central Govt. Central Govt. asked the College Authorities to submit compliance report.
- May-Jul 2008 MCI considered the issue of non-submission of Declaration Forms – it was felt that prolonged delay in submitting the Declaration Forms despite repeated opportunities and reminders may give rise to malpractices in the appointment of teaching faculty and suppression of vital facts like non-availability of teaching faculty.
- MCI decided in view of this to recommend to the Central Govt. not to issue Letter of permission for renewal of permission for admission of 5<sup>th</sup> batch for academic year 2008-09



Recommendation submitted to Central Govt. – Compliance Report with Declaration Forms received from Central Govt. – Earlier decision of MCI to recommend to the Central Govt. not to issue Letter of permission for renewal of permission reiterated.

Jan-Feb 2009 Receipt of request u/s. 11 (2) through Central Govt. for inspection for approval for the award of MBBS degree granted by Gujarat University, Ahemdabad.

Inspection conducted from 27-29 January 2009 and the Report considered by the Ad hoc Committee appointed by Supreme Court and Executive Committee on 10/02/2009.

Deficiencies under 22 heads pointed out, with the major irregularities being:

- 40 Faculty Members not considered to be teachers
- Shortage of teaching Staff
- Certain teachers shown as faculty were not identified by the students
- Most of the Faculty in clinical departments coming on alternate days or in morning or afternoon
- Clinical Material/Nursing Staff/Paramedical Staff grossly inadequate

View taken that Council should take steps to refer the matter to Police for investigation

Appropriate action against the Doctors under Ethics Rules

Decided not to approve for award of MBBS degree granted by Gujarat University

Apr-Jul 2009 Necessary communication made.

Gujarat Govt. communication that students would be shifted to another college in case college fails to comply with the deficiencies to two other colleges.

Gujarat High Court Order for Internship of students at two other college.

Aug 2009 On 12/08/2009 Gujarat High Court constituted a Committee headed by Shri Ashok Bhatia, former Additional Chief Secretary to the Government of Gujarat with the following members:

1. Dean, Government Medical College, Ahemdabad
2. Joint Secretary (Heath), Government of Gujarat
3. A Representative from Gujarat University
4. Dean of Kesar Sal Medical College
5. A representative of the Trust.

The High Court ordered that the management would advance sufficient funds to the Committee for proper functioning of the college. The Court also stated that it was the responsibility of the Government of Gujarat to see that proper facilities were being given to the students studying in Kesar Sal Medical College. The Court further made it clear that it was open for MCI to conduct periodic visits to the college to ascertain that proper facilities are given to the students.

Sept-Dec 09 Periodic Inspection carried out- Compliance Report sought but never received

2010 College Authorities informed vide letter dated 01/02/2010 that when their college is not allotted any new students, then it was “not possible to appreciate the insistence on the part of the Medical Council of India to comply with the said deficiencies”. They also stated that they were ensuring the requisite infrastructure for 229 students.

28/06/2010 Gujarat High Court Order inter alia directed that: “In case of those students who have not only completed their MBBS course, but also completed their internship as permitted by this Court, they shall be granted MBBS degree which would be recognized for all purposes”. As per the order, these students “shall be deemed to have passed the MBBS course from Gujarat University”.

On 13/07/2010 College requested the MCI to complete the required formalities in the months of December 2010 and January 2011 to get recognition for MBBS degree

On 31/08/2010, the College submitted a letter requesting for conduct of inspection for recognition of MBBS degree (Admission Batch 2006-2007) at the time of final MBBS university examination during December 2010/January 2011 and renewal permission as they had desired infrastructure, teaching staff, manpower, equipments and all other facilities as per existing and prevailing MCI norms.

2011 The Board of Governors decided for carrying out assessment from 2-4 February 2011. Assessment Report is on Record in sealed envelope.

29/03/11 Gujarat High Court Order, relevant portion of the judgment/order is as under:

“Under the circumstances, Government of India shall issue necessary notification in terms of section 11 of the IMC Act indicating that the course through which the petitioners have obtained MBBS degree is duly recognized and that such inclusion of the course/college for recognition will be valid only for the limited period and purpose of treating the degrees awarded to the petitioner and similarly situated other students valid for all other purposes. On the strength of such notification, MCI will provide necessary information to the concerned authority for updating IMED. These directions will be carried out expeditiously and in any case within a period of one month from the date of receipt of a copy of this order.”

The above order has been received through a letter dated 15/04/2004 from the Ministry of Health and Family Welfare, Government of India with a request to “kindly forward the recommendations for recognition of MBBS degree of Kesar Sal Medical College, Ahmedabad to this Ministry immediately.

Meanwhile, complaints against, the College kept in pouring. Briefly stated, the allegations in the complaint were:

- (1) Running of two other Institutions, i.e., an Engineering College and Management College from the same building of the Medical College
- (2) Some Faculty Members are engaged in private practice and visit the Medical College once in a month or during inspection.
- (3) Some Faculty Members are working with other Medical Colleges also.
- (4) Allegation of bribery against certain MCI officials that they leak dates of inspection etc., to the College
- (5) Lapse of Bank Guarantee

As regards, the complaints a careful perusal reveals that there are 2-3 letters that are being posted repeatedly addressed to different MCI authorities. A complainant has sent several complaints of same nature, but with different signatures.

In view of the multiplicity of complaints, a Surprise Inspection was conducted in May 2011 and the report has been received and is placed in sealed envelope.

A letter dated 12/05/2011 from the Ministry of Health and Family Welfare enclosed a verification report of the Inspection of the College conducted by a two-member fact finding team on was carried on 24/03/2011. The Ministry has also asked the status of MCI's comments/recommendations for recognition of MBBS degree to the Ministry immediately, as the Gujarat High Court has granted one month time to implement its directions to recognize the MBBS degree of the college from the date of receipt.

The Reports of the Assessment, Surprise Inspection (sealed envelopes) along with the report of the Fact Finding Committee of MOHFW, may be placed before the UG Committee for examination

In view of above, the Board of Governors decided to grant permission for recognition of the college for a limited period for the three batches admitted in the year 2004-2005, 2005-2006, 2006-2007 and as regards renewal decided to place the assessment reports to the UG Committee for examination.

**12. Assessment of 2<sup>nd</sup> renewal (3<sup>rd</sup> batch) of K.J. Mehta General Hospital & College of Medical Sciences, Bhavnagar, Gujarat.**

Read : The letter dated 04.05.2011 from the Director, K.J. Mehta General Hospital & College of Medical Sciences, Bhavnagar, Gujarat requesting for 2<sup>nd</sup> renewal of permission (3<sup>rd</sup> batch).

The Board of Governors considered the letter dated 04.05.2011 from the Director, K.J. Mehta General Hospital & College of Medical Sciences, Bhavnagar, Gujarat requesting for 2<sup>nd</sup> renewal of permission (3<sup>rd</sup> batch) and observed that as per direction of Board of Governors, the Council had not renewed the permission for admission of 2<sup>nd</sup> batch of MBBS students at K.J. Mehta General Hospital & College of Medical Sciences, Bhavnagar, Gujarat for the academic year 2010-2011.

Assessment for renewal of permission for admission of 3<sup>rd</sup> batch of MBBS students for the academic session 2011-2012 was arranged by the Council on 7<sup>th</sup> & 8<sup>th</sup> February, 2011, but the assessment was not carried out because the college authorities vide letter dated 30.01.2011 (received in the Council office by fax on 02.02.2011) informed that :-

***"...due to unavoidable circumstances we couldn't meet the infrastructure requirement for the second renewal(3<sup>rd</sup> batch), because of which you are requested not to proceed for any renewal procedure for the same at present."***

Now, the Council office received a letter dated 04/05/2011(received in the Council office on 10.5.2011) from the Director, K.J. Mehta T.B. Hospital Trust, Amargarh which reads as under:-

*"we have received the permission to start the medical college and admit our 1<sup>st</sup> batch of 2009-1010 academic year vide Central Government letter T.No.L12018/824.2008/ME, dated 10/07/2009. In continuation to that we are due for the 2<sup>nd</sup> renewal (3<sup>rd</sup> batch) admission of the students for the academic year 2011-2012.*

*With reference to our previous letter dated 30/01/2011, we informed you to postpone procedure for assessment of our college as require infrastructure was not ready because of unenviable circumstances which is ready now. Hence we request you to carry out procedure for the assessment of 2<sup>nd</sup> renewal (3<sup>rd</sup> batch) and oblige us."*

The above matter was considered by the competent authority and decided to obtain the legal opinion in this matter. Accordingly legal opinion has been obtained from the Retainer Advocate and the operative part of the opinion is reproduced as under:-

*"... In response to the letter of MCI regarding inspection for renewal of the permission of admission of third batch of the students for the academic session 2011-2012, the college has informed vide its letter dated 31.01.2011 that the college is not in position to meet the infrastructure requirement for 2<sup>nd</sup> renewal (third batch). The college further informed the MCI that as soon as the infrastructure will be ready, the college will be communicate the same for carrying out the inspection of the college by MCI.*

*In the meantime students of K.J. Mehta College filed writ petition seeking transfer from KJ Mehta to other government colleges. Gujarat High Court summoned Secretary to the MCI and sought to know the stand of MCI on the prayer of students.*

*On perusal of the file the earlier Board of Governors has in principle agreed that if the proposal is submitted by the State Government, the same will be favourable considered by the MCI. The Secretary, MCI made the said statement in the court and which was duly recorded by the Hon'ble Court. The college challenged the decision of Gujarat High court in the Hon'ble Supreme Court. The Hon'ble Supreme Court dismissed the Special Leave Petition of the college.*

*The Hon'ble High Court of Gujarat on 10.5.2011 passed an order in Special Civil Application No.16600 of 2010 directed the State Government to file an affidavit disclosing the details of Government colleges run by local authorities where the students can be shifted. A copy of the order dated 10.5.2011 is placed on file.*

*The college has also not submitted information sought by the MCI in its letter bearing No.MCI-34(41)/2010-Med./35211 dated 20.10.2010 till date. It appears to me letter of college dated 4.5.2011 is mere an eyewash. Had the college been serious, it would have sent the details sought by the MCI in its letter dated 20.10.201. The letter of college in the light of the above said facts and request contained therein is fit to be rejected. Furthermore, the inspection of the college for the purposes of renewal has to be carried out in time bound manner. The inspection of the college is not dependent on whims and fancy of the college. The strict adherence of time schedule has been held by the Hon'ble Supreme court in the case of Mridul Dhar as mandatory requirement. Therefore, in my considered opinion the request of the college should be rejected."*

In view of above, the Board of Governors decided to reject the request for assessment since the inspection of the college for the purposes of renewal has to be carried out in time bound manner.

### **13. Consideration of request for increase of seats from 100 to 150 at Vijayanagar Institute of Medical Sciences, Bellary.**

Read : The request for increase of seats from 100 to 150 at Vijayanagar Institute of Medical Sciences, Bellary.

The Board of Governors considered the request for increase of seats from 100 to 150 at Vijayanagar Institute of Medical Sciences, Bellary and observed that an assessment of the physical and other teaching facilities available for grant of Letter of Permission for increase of MBBS seats from 100 to 250 at Vijayanagar Institute of Medical Sciences, Bellary, Karnataka u/s 10 (A) of the IMC Act, 1956 for the Academic year 2011-12 was carried out by the Council's Assessors on 30<sup>th</sup> & 31<sup>st</sup> March, 2011. The assessment report was considered by the Board of Governors and decided not to issue Letter of Permission for increase of MBBS seats from 100 to 250 at Vijayanagar Institute of Medical Sciences, Bellary, Karnataka u/s 10A of the IMC Act, 1956 for the Academic year 2011-12 because of the following reasons:

- (i) *Infrastructure facilities, clinical material, teaching faculty and nursing staff are inadequate.*
- (ii) *Equipments are deficient.*
- (iii) *Other deficiencies/remarks pointed out in the assessment report.*

The decision of the BOG's was communicated to the college authorities vide Council's letter dated 28/04/2011 with a request to submit the compliance report.

In reference to above, the Principal, VIMS, Bellary vide letter dated 09/05/2011 has informed as under:

*"Vijayanagar Institute of Medical sciences, Bellary a Government Autonomous institution, which was established in 1961 and having history of 50 years and serving the poor patients of Bellary districts and surrounding districts of both Karnataka and Andhra Pradesh. Most of the patients are poor patients and they are treated free of cost. The admission to this institution is only on merit basis. Candidates who appear for Karnataka CET and 15% of All India Quota.*

*The Vijayanagar Institute of Medical Sciences, Bellary has applied for enhancement of UG seats from 100 to 250 section 10 (A) of the IMC Act, 1956. The inspectors of Medical Council of India inspected the institution on 31.03.2011.*

*In the letter noted under reference, your kind self have pointed out that the Board of Members has decided not to issue letter of permission for increase of MBBS seats from 100 to 250 for the academic year 2011-12, as there were deficiencies in infrastructure, clinical material, teaching faculty, equipments, etc.*

*However the Medical Council of India inspectors who inspected the institution on 31.03.2011 have opined that the facilities are adequate for 150 admissions only.*

*Taking this opinion into consideration I request you kind self to enhance the UG seats of the institution from 100 to 150 and issue of letter of permission for the academic year 2011-2012.*

*I once again request your kind self to issue letter of permission for the increase of UG seats from 100 to 150 for the academic year 2011-2012.”*

In this connection, it is stated that the Council Assessors has also informed in the assessment report that the facilities are adequate for 150 admissions only.

The matter is placed before the BOG for consideration & direction, in light of policy decision taken by previous BOG's that each compliance has to be verified by way of an assessment.

In view of above, the Board of Governors decided to do re-assessment for increase of seats from 100-150 instead of 100 to 250 as requested by the college authorities.

**14. Public – Private Partnership & Establishment of Medical College regulations for UP, Haryana and Rajasthan etc. which are deficient in land – regarding**

Read : The matter with regard to Public – Private Partnership & Establishment of Medical College regulations for UP, Haryana and Rajasthan etc. which are deficient in land.

The Board of Governors considered the matter with regard to Public – Private Partnership & Establishment of Medical College regulations for UP, Haryana and Rajasthan etc. which are deficient in land and observed that the Council office has received a letter dated 25<sup>th</sup> May, 2011, from Shri Dhruv Chakravarty, Under Secretary to the Government of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi, enclosing therewith copies of two letters dated 06.01.2011, which reads as under that:

*“..... presently land requirement for setting up of a college is 20 acres. However, in Urban areas where the population is more than 25 lakhs, hilly areas, notified tribal areas, North Eastern States, Hill states and Union Territories of Andaman and Nicobar Islands, Daman and Diu and Dadra and Nagar Haveli, the land can be in two pieces.*

*2. It is relevant to mention that there are still many regions which are deficient in land viz. cities in States of UP, Haryana, Rajasthan etc. Though, enabling provisions have been made to benefit unserved and land deficient regions, the issue needs another consideration vis-à-vis other regions.....”*

*“.... Government of India in consultation with MCI has taken various credible steps to facilitate setting up of medical colleges to increase the availability of doctors in the country. On the sidelines of these reforms, the Central Government has also been considering to promote Public-Private partnership for opening medical colleges in the country.*

*2. It is requested that the issue be examined to develop the contours of the scheme and comments furnished to the Ministry at the earliest. “*

In view of above, he has requested the Council to examine the issue of allowing Public Private Partnership and extending the benefit of land relaxations to other States / areas deficient in land, for setting up of medical colleges.

In this connection, kind attention is invited to the eligibility criteria for establishment of medical college as prescribed in “Establishment of Medical College, Regulations”, 1999 along with its amendments:

**ELIGIBILITY CRITERIA –**

The following organizations shall be eligible to apply in Form-1 for permission to set up a medical college, namely:-

1. A State Government/Union territory;
2. A University;
3. An autonomous body promoted by Central and State Government by or under a Statute for the purpose of medical education;
4. A society registered under the Societies Registration Act, 1860 (21 of 1860) or corresponding Acts in States; or
5. A public religious or charitable trust registered under the Trust Act, 1882 (2 of 1882) or the WAKFS Act, 1954 (29 of 1954).

**AMENDMENT NOTIFICATION**  
**New Delhi, the 26th February, 2010**

3. In Clause 1 under the heading ELIGIBILITY CRITERIA the following shall be added after sub clause (5): -

“(6) Companies registered under Company Act may also be allowed to open medical colleges. Permission shall be withdrawn if the colleges resort to commercialization.”

In this regards, it has been stated that in the similar matter for setting up the medical college at Andaman & Nicobar Islands under Public Private Partnership, the legal opinion has been obtained from the Retainer Advocate. The operative part of the legal opinion is reproduce as under:-

“I have examined the provision of Establishment of Medical College Regulation, 1999(hereinafter refer to as the Regulation”).

Regulation 1 of the Regulation deals with eligibility criteria. The eligibility criteria more particularly Regulation 1(4) provides that society registered under Societies Act are eligible to apply for permission to set up a medical college. We have example of Gujarat Adani Institute of Medical Sciences, Bhuj, Gujarat which is established on public private partnership model (PPP model). The hospital is owned by the Government and the college has been established by the Society which is formed on the basis of PPP model. We have another example in the form of Army College of Medical Sciences, Delhi Cantt., New Delhi. The Society has claimed that it is private society and the hospital is owned by the Government.

Therefore, there is no legal bare in Medical Council of India Regulation to establish a medical college on PPP model. The PPP model is arrangement between government and private sector. The arrangement can take place in the form of society or in the form of Charitable Trust. The society as well as charitable trust have been held to be eligible in terms of the Regulation for establishing a medical college. Therefore, I am of the considered opinion that the medical college can be established on PPP model, subject to condition that the applicant should be society or charitable trust formed on the basis of arrangement between government and private sector.

So far as the applicability of amended regulation is concerned there is some ambiguity in clause 2(2) of qualifying criteria notified no. 26.02.2010 vide Gazette Notification No.MCI-34(41)/2009-Med./76565. The relevant portion is quoted as under :-

*“The medical college or medical institution shall be housed in a unitary campus of not less than 20 acres of land except in mega cities (Mumbai, Kolkata, New Delhi and Chennai) and ‘A’ class cities (Ahmedabad, Hyderabad, Pune, Bangalore and Kanpur). However, this may be relaxed in a place especially in Urban areas where the population is more than 25 lakhs, other than the nine cities mentioned in the Clause, hilly areas, notified tribal areas, North Eastern States, Hill states and Union Territories of Andaman and Nicobar Islands, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep, where the land shall not be in more*

*than two pieces and the distance between the two pieces shall not be more than 10 kms. The hospital, college building including library and hostels for the students, interns PGs/Residents and nurses shall be in one piece of land which shall not be less than 10 acres. Other facilities may be housed in the other piece of land, Proper landscaping should be done.*

*The requirement to have college and hospital in two pieces and distance between the two pieces shall not be more than 10 km have been mentioned in Regulation for areas in Hill states and Union Territories of Andaman and Nicobar Islands, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep.*

*However, amended regulation also provided that the hospital, college building including library and hostels for the students, interns P.G./Residents and nurses shall be in one piece of land. The effect of the said provision is that everything has to be on one piece of land. If the clause is interpreted in the same manner, the purpose of giving relief to difficult areas for which amendment has been done would be defeated.*

*In my opinion, the provision of the Regulation has to be read down in the manner which is consistent with the object it seeks to achieve. Therefore, islands like Andaman and Nicobar and Lakshadweep, insistence of all facilities including hospital, college etc. on a piece of 10 acres of land would not be consistent with the object the amended regulation seeks to achieve. Therefore, the regulation has to be read down in the manner in which it promotes the setting up of hospital in difficult areas without compromising with the highest standard of medical education.*

*Therefore, the Board of Governors may exercise the power and clarify the ambiguity and the central Govt. can also issue policy direction under IMC Amendment Act, 2010 where the Central Govt. has been vested with the power to issue policy direction that the setting up of the medical college and hospital in one contiguous piece of land is not mandatory requirement in case of Andaman Nicobar island and Lakshadweep. Thereafter, the MCI can entertain application for setting up of medical college in the island of Andaman and Nicobar island without insistence in the requirement that the college and hospital shall be situated on only one piece of land."*

It is further stated that the similar matter i.e. Establishment of new medical college in Andaman & Nicobar Islands is placed before the ensuing meeting dated 30<sup>th</sup> May, 2011 with Board of Governors under Agenda Item no. 2.

In view of above, since this a policy matter requiring detailed discussion, the Board of Governors decided to defer the matter.

#### **15. Status w.r.t. Dr. P. Prasannaraj v. Medical Council of India, Writ Petition (Civil) No. 1624 of 2011.**

Read : The Writ Petition (Civil) No. 1624 of 2011 filed by Dr. P. Prasannaraj vs. Medical Council of India along with the counter affidavit before the Board of Governors.

The Board of Governors noted that Dr. P. Prasannaraj, Additional Secretary, MCI has filed above writ petition purportedly challenging the order of Central Administrative Tribunal (CAT) dated 11/02/2011.

Dr. P. Prasannaraj earlier filed a petition in CAT, Principal Bench challenging the process of appointment to the post of Secretary and also sought prayer to appointment to the post of Secretary by way of promotion. CAT dismissed the petition of Dr. P. Prasannaraj. Dr. P. Prasannaraj was joint Secretary till 2010 and on 15.9.2010, Dr. Prasannaraj was appointed on probation to the post of Additional Secretary. CAT while dismissing the petition held that Dr. P. Prasannaraj who is holding the post of Additional Secretary on probation and cannot seek promotion to the post of Secretary.

After dismissal of the petition of Dr. P. Prasannaraj by CAT, Dr. Sangeeta Sharma was appointed as Secretary by previous BOG after following due process.

The Hon'ble High Court of Delhi issued notice and granted time to MCI to file counter affidavit and had kept the matter for final disposal on 26/05/2011.

On behalf of MCI, on 26/05/11 a Counter Affidavit prepared by Shri Amit Kumar vetted by Shri Nidesh Gupta, Ld. Senior Advocate was filed. Copy of the same was given to the Govt. of India also. Copy of the counter affidavit is placed on record. The Council had engaged Shri Nidesh Gupta, Ld. Senior Advocate for the matter in CAT. Shri Gupta has been requested to present the Council's case before the Hon'ble High Court of Delhi.

On 26.5.2011, Govt. of India sought adjournment of hearing for filing of counter affidavit. Accordingly, the Hon'ble High Court of Delhi has fixed 29/08/2011 as the next date for further hearing of the case.

The Board went through the relevant material and observed that the matter is sub-judice

16. **Approval of Indira Gandhi Govt. Medical College, Nagpur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. 60 to 100 – compliance thereof.**

The members of the Board of Governors considered the compliance report submitted by the college authorities and noted the following:-

Assessment of approval of the Indira Gandhi Govt. Medical College, Nagpur for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik against the increased intake i.e. 60 to 100 for the academic year 2010-11 was carried out by the Council assessors on 23<sup>rd</sup> & 24<sup>th</sup> June, 2010. The assessment report was considered by the BOG and decided not to approve the permission for admission of MBBS students against the increased intake i.e., 60 to 100 for the academic year 2010-11 and also not to approve the recognition of MBBS degree against the increased intake at Indira Gandhi Government Medical College, Nagpur. The Board of Governors further decided to disapprove the proposal and return the application because (i) the institution has failed to provide facilities as required as per Regulations inspite of numerous attempts over a long period of time and (ii) the same deficiencies have been observed consecutively for a period of more than 8 years. The decision of disapproval was communicated to the college authorities with copy to the other concerned authorities as well as Central Govt. vide this office letter dated 15/07/2010.

The Council received a copy of interim order dated 22/09/2010 passed by the Hon'ble High Court of Bombay, Nagpur Bench, granting approval for admission of 100 MBBS Students for the Academic session 2010-11 against the decision of MCI. Accordingly, the Medical Council of India has filed the SLP against the interim order dated 22.09.2010 passed by Hon'ble High Court of Bombay, Nagpur Bench, before the Hon'ble Supreme Court of India.

The SLP filed by the MCI before the Hon'ble Supreme Court was dismissed.

The Council office has received the compliance report dated 17.03.2011 and 20/04/2011 from the college authorities to rectification of the deficiencies as pointed in the assessment report(23<sup>rd</sup> & 24<sup>th</sup> June, 2010). The same was considered by the previous BOG and decided to obtain the legal opinion in the matter. The Retainer Advocate has opined that "*as per past practice, the college can be inspected*".



In view of above, the BOG decided to verify the compliance by way of an inspection.

Meeting ended with a vote of thanks to the Chair.

(Dr. Sangeeta Sharma)

Approved by

Dr. Kailash Sharma  
Member, BOG

Dr. HS Rissam  
Member, BOG

Dr. P. Lal  
Member, BOG

Dr. RC Yeravdekar  
Member, BOG

Chairman  
Board of Governors