

MEDICAL COUNCIL OF INDIA

NEW DELHI

Minutes of the meeting of the Board of Governors held on 16th August, 2011 at 10.00 a.m. in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi-110077.

Following members were present:

1.	Dr. K.K. Talwar	Chairman, Board of Governors
2.	Prof. K.S. Sharma	Member, Board of Governors
3.	Dr. Rajiv Chintaman Yeravdekar	Member, Board of Governors
4.	Dr. Sangeeta Sharma	Secretary
5.	Dr. P.Prasannaraj	Additional Secretary

The Board granted Leave for absence to Dr. H.S. Rissam and Dr. Purshotam Lal, Members, Board of Governors.

The following agenda items were taken up for discussion and decision thereon.

1. **Minutes of the BOG's meetings dated 16th August, 2011 – Confirmation of.**
The Board of Governors confirmed the minutes of the meeting held on 16th August, 2011.
2. **The matter pertaining to definition of Resident Doctor as well as requirement of Senior Residents in medical college – Amendment to Minimum Requirements for 50/100/150 Admissions Annually Regulations, 1999 – Regarding.**
Item deferred for next meeting.
3. **Adjustment of excess admission in management quota at People's college of medical sciences & research centre, Bhopal in the academic year 2010-11 – reg.**
Read: the matter with regard to Adjustment of excess admission in management quota at People's college of medical sciences & research centre, Bhopal in the academic year 2010-11.

The Board considered the matter and decided to take legal opinion from a Senior Advocate. Decision will be taken on file.
4. **Consideration for grant of registration to the candidates of Angeles University Foundation, Philippines – reg.**
Read: the matter with regard to Consideration for grant of registration to the candidates of Angeles University Foundation, Philippines.

The Board considered the matter and directed the Council to re-submit following Legal opinion of a Senior Advocate.

5. **Standardization of requirements for assessment of various Postgraduate courses.**

Read : the matter with regard to Standardization of requirements for assessment of various Postgraduate courses

The Board of Governors deliberated on the minimum requirements for starting/increase of seats in various PG courses. The Board observed objective criteria's in the clinical disciplines like Medicine, Surgery, Paediatrics, Orthopaedics & Obst. & Gynae have been developed to certain extent which is as under:-

As discussed in the BOG meeting following minimum clinical material required in the PG Courses:-

- (i) OPD – Average OPD attendance of not less than 100 per day in major clinical disciplines like Medicine, Surgery, Paediatrics, Orthopaedics & Obst. & Gynae. In the remaining clinical departments, it should not be less than 50.
- (ii) Bed occupancy – Average bed occupancy should not be less than 80% per unit. However, this may be 70% per unit in the case of new medical college/institute at the stage of inception which has to be increased to 80% per unit at subsequent yearly renewals.
- (iii) Operative Workload – At least one major and two minor operations per day per teaching faculty and residents i.e. in a given unit having 3 teaching faculty members, the operative workload should be at least 3 major and 6 minor operations per day for an institution running postgraduate courses in a surgical department. The operation theatre should function daily. If more than one unit are allocated operation theatres on a given day, the number of operations should be increased proportionately. Thus, in a week having six working days, the operative workload for an institution running a postgraduate course should be minimum of 18 major and 36 minor operations per week. The Anaesthesia workload should be commensurate with number of operations being performed in the institution daily.
- (iv) Radiological investigations – It should be commensurate with number of patients attending the outdoor and admitted in the ward and should not be less than 100 x-ray per day.
- (v) Laboratory Investigations - The workload should be commensurate with the number of patients attending the outdoor and admitted in the hospital. The number of Histopathology and Cytopathology should be commensurate with the number of surgical procedure being carried out in the institute.

The Board directed the Council for preparation of a comprehensive report of minimum standard requirements with detailed objective criterias for the above said disciplines. Further for the disciplines of the following minimum standards requirement are to be developed in objective form for the remaining postgraduate courses in broad specialities as mentioned in the PG Medical Education Regulation, 2000:-

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| 1. Aviation Medicine | 15. Infectious disease |
| 2. Anesthesiology | 16. Medical Genetics |
| 3. Anatomy | 17. Microbiology |
| 4. Biochemistry | 18. Nuclear Medicine |
| 5. Biophysics | 19. Pathology |
| 6. Community Medicine | 20. Pharmacology |
| 7. Dermatology, Venerology and Leprosy | 21. Physical Medicine Rehabilitation |
| 8. Emergency Medicine | 22. Physiology |
| 9. Family Medicine | 23. Psychiatry |
| 10. Forensic Medicine | 24. Radio-diagnosis |
| 11. Geriatrics | 25. Radio-therapy |
| 12. Health Administration | 26. Rheumatology |
| 13. Hospital Administration | 27. Sports Medicine |
| 14. Immuno Haematology and Blood Transfusion | 28. Tropical Medicine |
| | 29. Tuberculosis & Respiratory Medicine or Pulmonary Medicine |

2. **M.S. (MASTER OF SURGERY)** for which candidates must possess recognized degree of MBBS (or its equivalent recognized degree).

1. Otorhinolaryngology

2. Ophthalmology

Meeting ended with a vote of thanks to the Chair.

(Dr. P. Prasannaraj)
Additional Secretary

(Dr. Sangeeta Sharma)
Secretary

Approved by

Dr. K.S. Sharma
Member, BOG

Dr. RC Yeravdekar
Member, BOG

(Dr. K.K. Talwar)
Chairman, Board of Governors

Sub.: Report on Court Cases and the decisions of the BOG in the said cases.

Read: The Board of Governors considered the progress in relation to below-mentioned Court cases:

A. Cases in which Judgments have been delivered

- 1. Medical Council of India v. Dr. Vandana Bhatnagar & Ors and related cases [LPA No.84/2011 in the Hon'ble High Court of Delhi, Judgment dated 05/07/11 by Hon'ble Mr. Justice Dipak Misra, Chief Justice & Hon'ble Mr. Justice Sanjiv Khanna]**

The Chairman stated that as the case pertained to students of St. Stephens Hospital and as he was associated with that College, therefore he would not like to be associated with the decision-making in that matter.

The question of filing a Special Leave Petition in the Hon'ble Supreme Court, as advised by the Legal Retainer would be considered by the other Members of the Board in the subsequent meeting and necessary action would be taken thereafter.

- 2. DD Medical College and DD Hospital v. Union of India & Ors [WP No.13052/11 in the Hon'ble High Court of Madras, Judgment dated 08/08/11 by Hon'ble Mr. Justice D. Hariparanthaman]**

The Board of Governors after perusing the judgment directed that an appeal be preferred in the matter.

- 3. Padamshree D.Y. Patil Medical College v. Union of India & Ors. (WP No.5343/11 in the Hon'ble High Court of Bombay, Order dated 8/08/11 Hon'ble Chief Justice Mr. Mohit S. Shah and Hon'ble Justice Girish S. Godbole]**

The Board of Governors perused the order of the Hon'ble High Court of Bombay dated 08/08/11 in the aforesaid matter and noted that the Hon'ble Court by interim order has prima facie held that the statutory requirement of 3000 OPD attendance for a Medical Institution for an annual intake of 250 MBBS seats has been followed by MCI, therefore no interim relief can be granted to the Petitioner College.

- 4. Hi-Tech Medical College v. Union of India & Ors (WP No.18471/2011) by the Hon'ble High Court of Orissa at Cuttack**

The Board of Governors took note of the letter written by the MCI Counsel in Cuttack Shri R.C. Mohanty regarding the order of the Hon'ble Court on 12/08/11 and decided to take further action in the matter after the copy of the order of the Hon'ble Court was received.

B. Matters in which instructions have to be issued to MCI's Counsel

1. Maharishi Markendeshwar Institute of Medical Sciences & Research, Mullana v. Union of India & Ors [CWP No.7163/2011 & CWP No.7164/2011 in the Hon'ble High Court of Punjab & Haryana]

It may be recalled that the Hon'ble High Court of Punjab and Haryana in the hearing on 11/08/2011 in the Writ Petitions filed by the College against the MCI has sought to know through our Counsel Shri Deepak Sibal in Chandigarh the date on which the Board of Governors could grant personal hearing to the Maharishi Markendeshwar Institute of Medical Sciences, Mullana. The matter was considered by the Board of Governors in their Meeting held on 16/08/2011 and it was decided that hearing would be granted to the said college on Tuesday, 23 August 2011 at 9:30AM. The decision of the Board was conveyed to Shri Sibal for placing before the Hon'ble Court in the hearing on 17/08/2011. However, on the said date the Court was adjourned and the writ petitions filed by the MMIMS could not be taken up. Now the case is listed for 02/09/2011 and before that date, the Counsel would have to be informed the date on which the Board of Governors propose to grant the hearing.

2. Meenakshi Sridhar v. University of Delhi & Ors; Stuti Mittal v. University of Delhi & Ors (WP© No.4292/2011, 4294/2011 & 4299/2011) [Fresh Writ Petition in the Hon'ble High Court of Delhi listed before a bench headed by the Hon'ble Chief Justice]

The petitioners have challenged the policy of "nomination" of candidates in the Medical Colleges in Delhi by the Central Government. The Central Government has submitted to the Court that policy is in vogue since 1949 and students are admitted without undertaking any competitive examination as provided u/r. 5 of GME, Regulation, 1997. In the said matter, Shri P.S. Patwalia, Learned Senior Advocate has been appointed Amicus Curiae by the Hon'ble Court. Therefore, he has informed that he cannot appear on behalf of MCI. The MCI has been impleaded as a party in the matter on 27/07/11 on the directions of the Hon'ble Court. The Matter was listed on 18/08/11 and the Solicitor General has been asked by the Court to appear on behalf of Union of India.

The Board directed that the stand taken by the Medical Council of India should be same as that of the Union of India in the matter.

3. MGM Medical College v. MCI & Ors [SBCWP No.9716/2011 in the Hon'ble High Court of Judicature at Jaipur]

The Board directed that vetting of Shri P.S. Patwalia, Senior Advocate be obtained on the Reply Affidavit and Application for vacation of stay that has been prepared and directed that a Senior Advocate in consultation with Shri Angad Mirdha, Counsel for MCI in Jaipur be also engaged in the matter.

4. Court on its own Motion v. Maulana Azad Medical College & ors [WP (C) No.4304/2011)

The Board took note of the proceedings in matter pertaining to the attendance of MBBS students in Maulana Azad Medical College that is listed for hearing in September 2011. The Court has asked the Council to see whether the attendance record furnished by the College is in accordance with MCI Regulations.

5. Dr. Saket Zanzmera v. Union of India & Ors. [WP(L) No.1200/2011; Dr. Deepti Mulchandani v. Union of India & Ors. WP(L) No.1205/2011 in the Hon'ble High Court of Bombay

The Board directed that reply affidavit reiterating the earlier stand of the MCI in these matters, as they pertain to the College of Physicians & Surgeons, Mumbai be filed.

C. New Cases

1. MVJ Medical College & Research Hospital v. Union of India & Ors (WP No.27771/2011 in the Hon'ble High Court of Karnataka at Bangalore]

The order dt. 30/06/11 of the Board of Governors by which they had rejected the application of College from increase in seats from 100 to 150 MBBS seats has been challenged. The Petition was served upon MCI on Court's direction by the Petitioner and was received on 13/08/11. The Counsel in Bangalore has been instructed to seek two-weeks time from the Hon'ble Court for the MCI to file its reply affidavit. The Board directed that the reply affidavit be expeditiously prepared.

2. Sikkim Manipal University v. Union of India & Ors [WP(C)No.37/2011 in the Hon'ble High Court of Sikkim at Gangtok] – The Order of the Board of Governors dt. 30/06/11 has been challenged by which the number of seats in the College was reduced from 100 to 50 and the application of the College from 150 to 100 has been disapproved has been challenged by the Petitioner College. The Board took note of the case and directed that the reply affidavit be prepared.