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	for becoming Independent practitioner, which cannot be compromised by MCI	proper training of students as mentioned above and as per authentication by Assessors report also. The mandatory requirements for PG. training have never been compromised.
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The Postgraduate Committee after considering the above submissions of the College find that the integrated picture of the data emerging from College's Assessment Report establishes that the decision of Board of Governors to disapprove the scheme for increase is based upon credible grounds and the explanation offered by the College that there is no discrepancy or the College has adequate physical infrastructure is in accordance with MCI norms lacks substance.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MD (General Medicine) to disapprove the scheme for increase in seats is in order and the explanation offered by the College lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

**6. Scheme for Increase of seats in MD(Pathology) course at Peoples College of Medical Sciences & Research Centre, Bhopal under People's University, Bhanpur, Bhopal u/s 10(A) of the IMC Act, 1956 for academic year 2013-2014.**

The Council had received proposal from, People's University, Bhopal vide his letter dated 27/04/2012 for increase of seats in MD(Pathology) course from 02 to 08 for the academic year 2013-14. The Assessment was carried out on 4<sup>th</sup> December 2012. The BOG noted that *the histopathology workload is less as compared to daily operative load. There is discrepancy in the histopathology workload, the avg. daily histopathology workload shown in department of Orthopaedics is 26/day and from the department of Pathology is 5-6 per day, both departments of Orthopaedics and Pathology were inspected on same day. The College was therefore directed to submit clarification in this regard.* The institute was directed to submit clarification in this regard and the above decision of the BOGs was communicated to the college authorities on 04<sup>th</sup> February 2013. The College appeared for personal hearing on 12/02/2013 personal hearing and the Board of Governors after consideration of their written submission submission/compliance and verbal explanation decided that *decided to disapprove the scheme for increase of seats in MD(Pathology) course as the Institution has submitted that the actual no. of histopathology is 8-9/day and 26 histopathology samples shown in Orthopaedic 'Form B' actually reflects the "no. of Blocks". This explanation is not satisfactory.*

The above decision of the BOGs was communicated to the college authorities on 28<sup>th</sup> March 2013. Subsequently, pursuant to Order dated 19.07.13 of the Hon'ble High Court of Madhya Pradesh High Court in WP No. 10026/2013 the matter was considered afresh and the BOGs at its meeting held on 31<sup>st</sup> July 2013 and decided as under:-

*"It was observed that the investigative workload is less in accordance with the increase in number of PG seats requested for by the institute. The histopathology workload is less as compared to the operative workload.*

*There is discrepancy in the average daily histopathology workload shown in the department of Orthopaedics which is 26 per day while that from the Pathology department is 8 to 9 per day. The inspection of both departments were conducted on the same day. So such a discrepancy in the workload is not permissible.*

*The explanation submitted by the institute at the time of personal hearing that the actual number of histopathology is 8 to 9 per day as per Pathology department and the 26 per day as given by Orthopaedics department actually represents the number of Blocks not the number of tests. This explanation is not satisfactory and not acceptable.*

*It is also stated that 3156 annual specimen were processed for surgical Pathology which is approximately 8 per day.*

*There is discrepancy in the blood consumption of the department of the pathology and other clinical departments 5 to 6 units v/s 8 to 10 units per day. This data has been submitted by the institute.*

*The institute failed to offer credible explanation in view of the discrepancies observed in blood consumption and histopathology workload at the time of personal hearing.*

*As per Assessor's report the histopathology laboratory facilities need upgradation. The workload is just sufficient for the existing 2 seats and insufficient for the 8 seats requested for by the institute.*

*It may be stated that the last date of communicating the decision under section 10(A) was till 31/03/2013, which is already over. The compliance submitted by the institute can be considered for the academic session applied for and cannot be carried further to the next academic session.*

*Based on the above observations and the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated as per decision of board meeting held on 31.07.2013."*

The above decision was communicated to the college authorities on 31/07/2013. Aggrieved by this the College had filed writ petition in the Hon'ble High Court bearing no. 15183/2013 that came to be disposed of by Order dated 23.04.14. The operative part of the Order of the Hon'ble High Court reads as under:-

*" [...] From the reading of the above quoted extract of the order it becomes clear that respondent no.2 has rejected the application on the basis of additional deficiencies including discrepancy observed in the consumption of blood unit in various departments and department of Pathology with variability in the submission of data by the Institute regarding their different departments. Respondent no.2 has thus apparently relied upon additional deficiencies apart from deficiency referred to in the show cause notice while rejecting the petitioners' application for increase of seats in MD (pathology) course and for these additional deficiencies, no show cause notice was admittedly given to the petitioners which is a mandatory requirement under first proviso to sub-section (4) of section 10A of the Indian Medical Council Act, 1956. Therefore, order dated 31.7.2013 cannot be sustained and we accordingly quash the same. The matter is remanded to respondent no.2 to take a fresh decision in accordance with law by passing a reasoned/speaking order after giving an opportunity of hearing to the petitioners on all the deficiencies including any other legal embargo for increasing the seats requested for. This exercise be done as far as possible by 20.5.2014.*

*The petition is allowed to the extent mentioned above. No costs."*

In pursuance to above Order of the Hon'ble High Court of Madhya Pradesh, the Dean/ Principal, Peoples College of Medical Sciences & Research Centre, Bhanpur Bhopal has been directed to appear for hearing before the Postgraduate Committee on 10<sup>th</sup> June, 2014.

Accordingly, the Postgraduate Committee met on 10/06/2014 at 12 Noon and during the hearing college was represented by Dr. V.K. Pandya, Vice-Chancellor, People's University, Bhopal; Dr. M.K. Mishra, Dean, Peoples College of Medical



Sciences & Research Centre, Bhopal; Cd. A.K. Khurana, Director, Planning, People's University and Dr. Neeraj Khare, Med. Supdt., Peoples Hospital. The following written submissions were made during the hearing:

Subject	Deficiencies pointed out by MCI	Submission of Institution
<p><b>Pathology</b></p>	<p>Ref. MCI letter No. MCI-48(22)/2012-Med.101505-101509 dated 31<sup>st</sup> July 2013</p> <p>1-It was observed that the investigative workload is less in accordance with the increase in number of PG seats requested by the Institute. The histopathology workload is less as compared to the, operative workload.</p> <p>2-There is discrepancy in the average daily histopathology workload shown in the department of Orthopaedics which is 26 per day while that from the Pathology department is 8 to 9 per day. The Inspection of both departments were conducted on the same day. So such a discrepancy in the workload is not permissible.</p> <p>3-The explanation submitted by the Institute at the time of personal hearing that the actual number of histopathology is 8 to 9 per day as per Pathology department and the 26 per day as given by orthopaedics department represent the number of blocks not the number of tests. This explanation is not satisfactory and not acceptable. It is also stated that 3156 annual specimens were processed for Surgical pathology which is approximately 8 per day.</p> <p>4-There is discrepancy in the blood consumption of the department of</p>	<p>1- Investigative data submitted &amp; confirmed by Assessor shows adequate Investigative workload and assures adequate training facilities for students In department of pathology and is in co-relation to operative load.</p> <p>2- It is submitted that Department of Pathology has mentioned number of surgical specimen i.e. 8 to 9 per day, as per information asked in Standard, Assessment Form of Dept. of Pathology. while dept. of orthopaedics has referred in their SAF to total number of Investigative/teaching facilities as asked In their SAF i.e. histopathology blocks/day (26/day for ail specialties) developed by pathology department to arrive at diagnosis / for teaching. (number of histopathology blocks prepared for the department are more than number of specimen received by Department of Pathology) . <b>Thus there is no discrepancy as mentioned above.</b></p> <p>3- Department of Orthopaedics has reflected number of blocks/tests as 26/day which were prepared at different levels of tissues out of 8-9 specimen/day received by Department of Pathology for purpose of teaching / training. <b>Hence there is no discrepancy.</b> The explanation given by the Institute is credible &amp; based on evidences and may please be accepted.</p> <p>4-Please refer to Standard Assessment Forms submitted by</p>

	<p>the pathology and other clinical departments 5 to 6 units v/s 8 to 10 units per day.</p> <p>5-The institute failed to offer credible explanation in view of the discrepancies observed in blood consumption and histopathology workload at the time of personal hearing.</p> <p>6-As per Assessor's report the histopathology laboratory facilities need upgradation.</p>	<p>Department of Pathology as well as other clinical departments wherein there is no discrepancy in the consumption of blood units and both have mentioned average blood units consumed daily with distribution in various specialties as 8 to 10 units. Your kind attention is invited to assessor report of Department of Pathology dated 04/012/2012 para 09 in which blood unit consumption has been verified as 8-10 units per day. <b>Hence there is no discrepancy.</b> Figure of 5 to 6 units seems to have been taken up from data of previous shown in SAF.</p> <p>5-It is reiterated that the explanation given above is based on evidences; and is fully justified and may please be accepted.</p> <p>6-Laboratory is constantly upgraded.</p>
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It is pertinent to point out that the Board of Governors in their decision-making has collected and collated in various assessment reports in respect of various applications submitted by the College and these were duly analyzed by the competent authority in an integrated manner for the different department of the entire college and attached hospital and it has been done in a holistic manner to ensure that the Applicant Medical Colleges/ Institution are in a position to run Postgraduate Medical Courses or not. Therefore, the reply of the College that only surgical specimen. i.e. 8-9 per day was shown in assessment form while other departments is not shown is unconvincing as the histopathology load of the entire Hospital/Medical College is to be carried out by the Department of Pathology only. So one hand, in Department of Surgery surgical specimen for histopathology is stated to be 26, while in the Department of Pathology it is said to be 7-8. The data of histopathology provides the picture relating to the availability of clinical material in a Medical College. It is this clinical material (patients) that is required for the proper training of PG students. Based upon that the BOG finding that there is doubt about credibility of projected clinical material and blood consumption, lab investigations cannot be faulted with. Therefore, the justification tendered by the College on these count is not acceptable. Further, remark of the Assessor that laboratory facilities require up gradation is based upon physical inspection of the facility and cannot be discounted at the time of decision making.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MD (Pathology) to disapprove the scheme is in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

7. **Scheme for Increase of seats in MS(Orthopaedics) course at Peoples College of Medical Sciences & Research Centre, Bhopal under People's University, Bhanpur, Bhopal u/s 10(A) of the IMC Act, 1956 from 01(One) to 02(Two) seats for academic year 2013-2014.**

The Council office has received proposal from Project Director, People's University, Bhopal vide his letter dated 27/04/2012 for Increase of seats in MS(Ortho) course from 01 to 02 for the academic year 2013-14. The Assessment was carried out on 4<sup>th</sup> December 2012. The Board of Governors noted that *the histopathology workload is less as compared to daily operative load. There is discrepancy in the histopathology workload, the avg. daily histopathology workload shown in department of Orthopaedics is 26/day and from the department of Pathology is 5-6 per day, both departments of Orthopedics and Pathology were inspected on same day. The Institute is directed to submit clarification in this regard.* The above decision of the BOGs was communicated to the college authorities on 04<sup>th</sup> February 2013. The College appeared for personal hearing on 12/02/2013 and submitted the written submission/compliance and verbal explanation. Thereafter, *the The Board of Governors after due consideration and scrutiny of additional documents submitted along with review of assessment report and taking into consideration verbal explanation, concluded that the compliance submitted by the institute at the time of personal hearing is unsatisfactory and hence decided to disapprove the scheme for increase of seats in MS(Orthopedics) course because of inadequate investigative workload. The discrepancy in histopathology workload shown in department of Orthopaedics and Pathology cannot be clarified by the institute with supporting evidence.*

The above decision of the BOGs was communicated to the college authorities on 28<sup>th</sup> March 2013. The College challenged this decision by way of writ petition before the Hon'ble High Court of MP at Jabalpur by way of WP No. 10031 of 2013 that came to be disposed on 19.07.13. In compliance with that decision the BOGs at its meeting held on 31<sup>st</sup> July 2013 and the committee decided as under:-

*"The Board of Governors did not approve the increase of seats in MS(Orthopaedics) course from 1 to 2 seats. The decision has been communicated on 04/02/2013. The institute was directed to appear before BOG on 12/02/2013 in case of dissatisfaction with the decision of the Board. The Board decided to reiterate their earlier decision as the institute did not submit any valid documents for reconsideration.*

*Histopathology workload is less as compared to daily operative load. There is discrepancy in histopathology workload, the avg. daily histopathology workload shown in the department of Orthopaedics is 26 per day and from the department of Pathology is 5 to 6 per day, both departments of Orthopaedics and Pathology were inspected on the same day.*

*There was also a discrepancy in the daily workload of Orthopaedics department in terms of minor surgeries which was 9 as compared to that shown by the Anaesthesia department which was only 5. This discrepancy puts doubt upon the actual workload of the department.*

*There is discrepancy in the average daily histopathology workload shown in the department of Orthopaedics which is 26 per day while that from the Pathology department is 8 to 9 per day. The inspections of both departments were conducted on the same day. So such a discrepancy in the workload is not permissible.*

*The explanation submitted by the institute at the time of personal hearing that the actual number of histopathology is 8 to 9 per day as per Pathology department and the 26 per day as given by Orthopaedics department actually represents the number of Blocks not the number of tests. This explanation is not satisfactory and not acceptable.*

*There is discrepancy in the blood consumption of the department of the pathology and Orthopaedics department 5 to 6 units v/s 8 to 10 units per day. This data has been submitted by the institute.*

*The institute failed to offer credible explanation in view of the discrepancies observed in blood consumption and histopathology workload at the time of personal hearing.*

*It may be stated that the last date of communicating the decision under section 10(A) was till 31/03/2013, which is already over. The compliance submitted by the institute can be considered for the academic session applied for and cannot be carried further to the next academic session. The matter was discussed in the board meeting on 31 July 2013 and decided to reiterate their earlier decision in view of above deficiencies.*

*Based on the above observation and also for the fact that the institute has violated the Acts of PG Regulation 2000 issued by the council, the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated.*

*Based on the above observations and the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated as per decision of board meeting held on 31.07.2013."*

The above decision was communicated to the college authorities on 31/07/2013.

Aggrieved by this decision, the College preferred writ no. 15197/2013 before the Hon'ble High Court of MP and that came to disposed of on 23.4.14 and the operative part of the Order of the Hon'ble High Court reads as under:-

*" [...] From the reading of the above quoted extract of the order it becomes clear that respondent no.2 has rejected the application on the basis of additional deficiencies including discrepancy observed in the consumption of blood unit in various departments and department of Pathology with variability in the submission of data by the Institute regarding their different departments. Respondent no.2 has thus apparently relied upon additional deficiencies apart from deficiency referred to in the show cause notice while rejecting the petitioners' application for increase of seats in MS (Orthopaedics) course and for these additional deficiencies, no show cause notice was admittedly given to the petitioners which is a mandatory requirement under first proviso to sub-section (4) of section 10A of the Indian Medical Council Act, 1956. Therefore, order dated 31.7.2013 cannot be sustained and we accordingly quash the same. The matter is remanded to respondent no.2 to take a fresh decision in accordance with law by passing a reasoned/speaking order after giving an opportunity of hearing to the petitioners on all the deficiencies including any other legal embargo for increasing the seats requested for. This exercise be done as far as possible by 20.5.2014.*

*The petition is allowed to the extent mentioned above. No costs."*

In pursuance to above Order of the Hon'ble High Court of Madhya Pradesh, the Dean/ Principal, Peoples College of Medical Sciences & Research Centre, Bhanpur Bhopal has been directed to appear for hearing before the Postgraduate Committee on 10<sup>th</sup> June, 2014.

Accordingly, the Postgraduate Committee met on 10/06/2014 at 12 Noon and during the hearing college was represented by Dr. V.K. Pandya, Vice-Chancellor, People's University, Bhopal; Dr. M.K. Mishra, Dean, Peoples College of Medical Sciences & Research Centre, Bhopal; Cd. A.K. Khurana, Director, Planning, People's University and Dr. Neeraj Khare, Med. Supdt., Peoples Hospital. The following submissions were made during the hearing:

Subject	Deficiencies pointed out by MCI	Submission of Institution
<p><b>Orthopaedics</b></p>	<p>Ref. MCI letter No. MCI-48(22)/2012-Med.101485-101489 dated 31<sup>st</sup> July 2013</p> <p>1-Histopathology workload is less as compared to daily operative load. There is discrepancy in histopathology workload. Average daily histopathology workload shown in the department of orthopaedics as 26 per day and from department of pathology as 5-6 per day.</p> <p>2-There was also a discrepancy in the daily workload of Orthopaedics department in terms of minor surgeries which was 9 as compared to that shown by the Anaesthesia department which was only 5.</p> <p>3-There is discrepancy in the average daily histopathology workload shown in the department of Orthopaedics which is 26 per. day while that from the Pathology department is 8 to 9 per day. The inspection of both departments were conducted on the same day. So such a discrepancy in the workload is not permissible.</p>	<p>1-It is submitted that Department of Pathology has mentioned number of surgical specimen i.e. 8 to 9 per day, as per information asked in Standard Assessment Form of Dept. of Pathology while other disciplines have referred to total number of investigative/teaching facilities as asked in their SAF i.e. histopathology blocks/day (26/day for all specialties) developed by pathology department to arrive at diagnosis/ for teaching. (number of histopathology blocks prepared for the department are more than number of specimen received by Department of Pathology)</p> <p>2.-Minor Surgeries shown by Department of Anaesthesia are those Minor surgeries where Anesthesiologists contribute their role during procedure, whereas Minor surgeries done quoted in other departments is sum total of all Minor surgeries by the respective department and represent the actual workload. Hence there is no discrepancy in the workload of various departments e.g. Ophthalmology, orthopedics and OBGY which was their actual workload.</p> <p>3-It is submitted that Department of Pathology has mentioned number of surgical specimen i.e. 8 to 9 per day, as per information asked in Standard Assessment Form of Dept. of Pathology while dept. of orthopaedics has referred in their SAF to total number of Investigative/ teaching facilities as asked in their SAF i.e. histopathology blocks/day (26/day. for all specialties)</p>

	<p>4-There is discrepancy in the blood consumption of the department of the Pathology and Orthopaedics department 5 to 6 units v/s 8 to 10 units per day. This data has been submitted by the Institute.</p>	<p>developed by pathology department to arrive at diagnosis / for teaching. (number of histopathology blocks prepared for the department are more than number of specimen received by Department of Pathology)</p> <p><b>Thus there is no discrepancy as mentioned above.</b></p> <p>4-Please refer to Standard Assessment Forms submitted by Department of Pathology as well as other clinical departments wherein there is no discrepancy in the consumption of blood units and both have mentioned average blood units consumed daily with distribution in various specialties as 8 to 10 units. Your kind attention is invited to assessor report of Department of Pathology dated 04/12/2012 para 09 in which blood unit consumption has been verified as 8-10 units per day. <b>Hence there is no discrepancy.</b> Figure of 5 to 6 units seems to have been taken up from data of previous shown in SAF.</p>
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It is pertinent to point out that the Board of Governors in their decision-making has collected and collated in various assessment reports in respect of various applications submitted by the College and these were duly analyzed by the competent authority in an integrated manner for the different department of the entire college and attached hospital and it has been done in a holistic manner to ensure that the Applicant Medical Colleges/ Institution are in a position to run Postgraduate Medical Courses or not. Therefore, the reply of the College that only surgical specimen. i.e. 8-9 per day was shown in assessment form while other departments is not shown is unconvincing as the histopathology load of the entire Hospital/Medical College is to be carried out by the Department of Pathology only. So on one hand, in Department of Orthopedics for histopathology is stated to be 26, while in the Department of Pathology it is said to be 7-8. The data of histopathology provides the picture relating to the availability of clinical material in a Medical College. It is this clinical material (patients) that is required for the proper training of PG students. Based upon that the BOG finding that there is doubt about credibility of projected clinical material and blood consumption, lab investigations cannot be faulted with. Therefore, the justification tendered by the College on these count is not acceptable.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MS (Orthopedics) to disapprove the scheme is in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and

the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

**8. Scheme for Increase of seats in MS(ENT) course at Peoples College of Medical Sciences & Research Centre, Bhopal under People's University, Bhanpur, Bhopal u/s 10(A) of the IMC Act, 1956 from 02(Two) to 03(Three) seats for academic year 2013-2014.**

The Council office has received proposal from Project Director, People's University, Bhopal vide his letter dated 27/04/2012 for Increase of seats in MS(ENT) course from 02 to 03 for the academic year 2013-14. The Assessment was carried out on 4<sup>th</sup> December 2012. The Board of Governors noted that *the OTs are not functional daily but only 3 days in a week; Clinical Material/Operative Load :- The daily operative load is 2 major and 7 minor surgeries per day There has been no appreciable increase in clinical workload since 2011. And there is discrepancy in the daily load of the histopathology in the assessment report of General Surgery and other clinical subjects. In view of this the institute was directed to submit clarification in this regard.* The above decision of the BOGs was communicated to the college authorities on 04<sup>th</sup> February 2013. The College appeared for personal hearing on 2/02/2013 and submitted the written submission/compliance and verbal explanation. Thereafter, the Board of Governors after due consideration and scrutiny of additional documents submitted along with review of assessment report and taking into consideration verbal explanation, concluded that the compliance submitted by the institute at the time of personal hearing is unsatisfactory and hence decided to disapprove the scheme for increase of seats in MS(ENT) course as the explanation submitted in this regard was not satisfactory.

The above decision of the BOGs was communicated to the college authorities on 28<sup>th</sup> March 2013. The College challenged this decision by way of writ petition before the Hon'ble High Court of MP at Jabalpur by way of WP No. 10029 of 2013 that came to be disposed on 19.07.13. In compliance with that decision the BOGs at its meeting held on 31<sup>st</sup> July 2013 and the committee decided as under:-

*"1) Based on the operations records submitted for the month of Dec., 2012 the daily operative workload Major (1.2/day, total 38) & Minor (0.25/day, total 08) is grossly inadequate against the daily requirement of Major (03) & Minor (06) per unit/day.*

*It may be stated that the Institute has submitted the Histopathology details as Annexure -I from the assessment reports of General Surgery, Orthopaedics, Paediatrics, Medicine & ENT. But it was observed that Histopathology details from the department of Pathology which is the parent department, was not submitted. The Institute had also applied for increase of seats in department of Pathology along with enhancement of seats in other clinical disciplines.*

*The Histopathology of various Surgical specimen received from the surgical disciplines are examined only by department of Pathology. Thus the data of Histopathology from department of Pathology should match and should be similar to the Histopathology data of other discipline.*

*There was discrepancy in this data from department of Pathology and other disciplines. In all the Assessment reports this data was submitted by the Institute only was evaluated by the Council. Thus, there were concerns about credibility of projected clinical material shown by the Institute.*

*There was discrepancy observed in the consumption of Blood unit in various departments and department of Pathology. There is a variability in the submission of the data by the Institute by the various departments.*

*The last date of communication of decision u/s. 10(A) has finished on 31/03/2013 for the Academic session 2013-14. Thus, it is not possible to review or consider the compliance for the said Academic Session by the Council. For ongoing PG training, it is mandatory*

*to have sufficient clinical material including patient turnover, Lab Investigations, Radiological Investigations, Operative workload, Blood Consumption etc for the adequate and proper training of the student to build their competence for becoming independent practitioner, which cannot be compromised by MCI.*

*Based on the above observations and the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated as per decision of board meeting held on 31.07.2013."*

The above decision was communicated to the college authorities on 31/07/2013.

The College challenged this decision before the Hon'ble High Court of MP by way of Writ Petition No. 15188/2013. The operative part of the Order dated 23.04.14 of the Hon'ble High Court reads as under:-

*" [...] From the reading of the above quoted extract of the order it becomes clear that respondent no.2 has rejected the application on the basis of additional deficiencies including discrepancy observed in the consumption of blood unit in various departments and department of Pathology with variability in the submission of data by the Institute regarding their different departments. Respondent no.2 has thus apparently relied upon additional deficiencies apart from deficiency referred to in the show cause notice while rejecting the petitioners' application for increase of seats in MS (ENT) course and for these additional deficiencies, no show cause notice was admittedly given to the petitioners which is a mandatory requirement under first proviso to sub-section (4) of section 10A of the Indian Medical Council Act, 1956. Therefore, order dated 31.7.2013 cannot be sustained and we accordingly quash the same. The matter is remanded to respondent no.2 to take a fresh decision in accordance with law by passing a reasoned/speaking order after giving an opportunity of hearing to the petitioners on all the deficiencies including any other legal embargo for increasing the seats requested for. This exercise be done as far as possible by 20.5.2014.*

*The petition is allowed to the extent mentioned above. No costs."*

In pursuance to above Order of the Hon'ble High Court of Madhya Pradesh, the Dean/ Principal, Peoples College of Medical Sciences & Research Centre, Bhanpur Bhopal has been directed to appear for hearing before the Postgraduate Committee on 10<sup>th</sup> June, 2014.

Accordingly, the Postgraduate Committee met on 10/06/2014 at 12 Noon and during the hearing college was represented by Dr. V.K. Pandya, Vice-Chancellor, People's University, Bhopal; Dr. M.K. Mishra, Dean, Peoples College of Medical Sciences & Research Centre, Bhopal; Cd. A.K. Khurana, Director, Planning, People's University and Dr. Neeraj Khare, Med. Supdt., Peoples Hospital. The following submissions were made during the hearing:

<b>Subject</b>	<b>Deficiencies pointed out by MCI</b>	<b>Submission of Institution</b>
<b>ENT</b>	Ref. MCI letter No. MCI-48(22)/2012-Med.101510-101514 dated 31 <sup>st</sup> July 2013  1. Based on the operations records submitted for the month of Dec., 2012 the daily operative workload Major (1.2/day, total 38) & Minor (0.25/day, total 08) is grossly inadequate against the daily	1-It is respectfully submitted that the deficiencies reported are not in accordance with the assessors report wherein Assessor has himself verified total daily unit wise operative load as 02/day as



<p>requirement of Major (03) &amp; Minor (06) per unit/day.</p> <p>2. Institute has submitted the Histopathology details as Annexure -I from the assessment reports of General Surgery, Orthopaedics, Paediatrics, Medicine&amp; ENT. But it was observed that Histopathology details from the department of Pathology which is the parent department, was not submitted.</p> <p>3. Data of Histopathology from department of Pathology should match and should be similar to the Histopathology data of other discipline.</p> <p>4. Discrepancy observed in the consumption of Blood unit in various departments and department of Pathology.</p> <p>5. For ongoing PG training it is mandatory to have sufficient clinical material including patient turnover,</p>	<p>Major &amp; 07/day as Minor surgery which are adequate. Hence number of surgery as shown in above quoted letter of MCI might be a typographical error. There is an independent OT for ENT functioning daily.</p> <p>2-Institute has submitted details as discrepancy raised by MCI in compliance report in Feb 2013. Details of parent pathology department were already with MCI. In addition institute has submitted certified record of three months of Histopathology from department of Pathology (October to December 2012) at the time of personal hearing for your reference.</p> <p>3-It is submitted that Department of Pathology has mentioned number of surgical specimen i.e. 8 to 9 per day, as per information asked in Standard Assessment Form of Dept of Pathology while other disciplines e.g. E.N.T. have referred. to total number of investigative/ teaching facilities as asked in their SAF i.e. histopathology blocks/ day (26/day for all specialties) developed by pathology department to arrive at diagnosis 7 for teaching. (number of histopathology blocks prepared for the department are more than number of specimen received by Department of Pathology)</p> <p>4-Please refer to Standard Assessment Forms submitted by Department of General Medicine as well as Department of Pathology wherein there is no discrepancy in the consumption of blood units and both have mentioned average blood units consumed daily with distribution in various specialties as 8 to 10 units.</p> <p>5-It is respectfully submitted that adequate physical and academic infrastructure &amp; facilities, Clinical</p>
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	Lab Investigations Radiological Investigations, Operative workload, Blood Consumption etc for the adequate and proper training of the student to build their competence for becoming independent practitioner, which cannot be compromised by MCI.	material including patient turnover, Investigations, Operative workload, Blood consumption etc are adequate as per MCI norms And available for proper training of students as mentioned above and as per authentication by Assessors report. The mandatory requirements for PG training have been never compromised.
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The Post graduate Committee considered the written and oral submission of the College. It is pertinent to point out that the Board of Governors in their decision-making has collected and collated in various assessment reports in respect of various applications submitted by the College and these were duly analyzed by the competent authority in an integrated manner for the different department of the entire college and attached hospital and it has been done in a holistic manner to ensure that the Applicant Medical Colleges/ Institution are in a position to run Postgraduate Medical Courses or not. Therefore, the reply of the College that is unconvincing as the histopathology load of the entire Hospital/Medical College is to be carried out by the Department of Pathology only.. It is this clinical material (patients) that is required for the proper training of PG students. Based upon that the BOG finding that there is doubt about credibility of projected clinical material and blood consumption, lab investigations cannot be faulted with. Therefore, the justification tendered by the College on these count is not acceptable.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MS (ENT) to disapprove the scheme is in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

**9. Scheme for Increase of seats in MD(Anaesthesia) course at Peoples College of Medical Sciences & Research Centre, Bhopal under People's University, Bhanpur, Bhopal u/s 10(A) of the IMC Act, 1956 for academic year 2013-2014.**

The Council office has received proposal from Project Director, People's University, Bhopal vide his letter dated 27/04/2012 for Increase of seats in MD (Anesthesia) course from 01 to 05 for the academic year 2013-14. The Assessment was carried out on 4<sup>th</sup> December 2012. The Board of Governors approved for increase of 01 seat and the decision was communicated to the College on 02.02.2013. The College appeared for hearing on 12.02.13 and the BOG after consideration decided that no further increase can be considered as the Institution has not submitted any valid documents justifying reconsideration and there are no research publications from the Department.

The above decision of the BOGs was communicated to the college authorities on 28<sup>th</sup> March 2013. The College challenged this decision by way of writ petition before the Hon'ble High Court of MP at Jabalpur by way of WP No. 10025 of 2013 that came to be disposed on 19.07.13. In compliance with that decision the BOGs at its meeting held on 31<sup>st</sup> July 2013 and the committee decided as under:-

*The Board of Governors approved the increase of seats from 1 to 2 in MD(Anaesthesia) course. The decision has been communicated on 02/02/2013. The institute was directed to appear before BOG on 12/02/2013 in case of dissatisfaction with the decision of the Board. The Board decided to reiterate their earlier decision as the institute did not submit*

*any valid documents for reconsideration and there were no authentic research publication from the department in last 3 years.*

1. *The PG Sub-committee was requested to re-examine the application on merit basis. It was observed that although the daily operative load was 24 major and 35 minor operations per day. But there was discrepancy in the workload of various department as Ophthalmology and Orthopaedics, OBG in terms of the minor surgeries reflecting that the workload shown by the Department of Anaesthesia may not be the actual workload.*
2. *The Histopathological workload from the department of Pathology was 8 to 9 per day while that from Anaesthesia and Orthopaedics was 26 per day from the total operative workload 59 surgeries per day in the entire hospital. Thus there is discrepancy in the data submitted by the institute. The histopathology from the parent department, department of Pathology does not commensurate with the total operative workload of the institute.*
3. *There is discrepancy in the blood consumption of the department of the pathology and other clinical departments 5 to 6 units v/s 8 to 10 units per day. This data has been submitted by the institute.*
4. *The institute failed to offer credible explanation in view of the discrepancies observed in blood consumption and histopathology workload at the time of personal hearing.*

*It may be stated that the institute has submitted different data for different departments. This was observed by the council at the time of evaluation of the application. There are no research publications from the department in last 3 years despite running an ongoing programme of Anaesthesia in the Institute.*

*It may be stated that the last date of communicating the decision under section 10(A) was till 31/03/2013, which is already over.*

*The compliance submitted by the institute can be considered for the academic session applied for and cannot be carried further to the next academic session.*

*Based on the above observations and the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated."*

The above decision was communicated to the college authorities on 31/07/2013. Aggrieved by this decision the College preferred WP No. 15192 of 2013 before the Hon'ble High Court and that came to be disposed of on 23.04.14. The operative part of the Order reads as under:-

*" [...] From the reading of the above quoted extract of the order it becomes clear that respondent no.2 has rejected the application on the basis of additional deficiencies including discrepancy observed in the consumption of blood unit in various departments and department of Pathology with variability in the submission of data by the Institute regarding their different departments. Respondent no.2 has thus apparently relied upon additional deficiencies apart from deficiency referred to in the show cause notice while rejecting the petitioners' application for increase of seats in MD (Anesthesia) course and for these additional deficiencies, no show cause notice was admittedly given to the petitioners which is a mandatory requirement under first proviso to sub-section (4) of section 10A of the Indian Medical Council Act, 1956. Therefore, order dated 31.7.2013 cannot be sustained and we accordingly quash the same. The matter is remanded to respondent no.2 to take a fresh decision in accordance with law by passing a reasoned/speaking order after giving an opportunity of hearing to the petitioners on all the deficiencies including any other legal embargo for increasing the seats requested for. This exercise be done as far as possible by 20.5.2014.*

*The petition is allowed to the extent mentioned above. No costs."*

In pursuance to above Order of the Hon'ble High Court of Madhya Pradesh, the Dean/ Principal, Peoples College of Medical Sciences & Research Centre, Bhanpur Bhopal has been directed to appear for hearing before the Postgraduate Committee on 10<sup>th</sup> June, 2014.

Accordingly, the Postgraduate Committee met on 10/06/2014 at 12 Noon and during the hearing college was represented by Dr. V.K. Pandya, Vice-Chancellor, People's University, Bhopal; Dr. M.K. Mishra, Dean, Peoples College of Medical Sciences & Research Centre, Bhopal; Cd. A.K. Khurana, Director, Planning, People's University and Dr. Neeraj Khare, Med. Supdt., Peoples Hospital. The following submissions were made during the hearing:

Subject	Deficiencies pointed out by MCI	Submission of Institution
<b>Anaesthesia</b>	<p>Ref. MCI letter No. MCI-48(22)/2012-Med.101470-101474 dated 31<sup>st</sup> July 2013</p> <p>1. It was observed that although the daily operative load was 24 major and 35 minor operations per day. But there was discrepancy in the workload of various department as Ophthalmology and Orthopaedics, OBG in terms of the minor surgeries reflecting that the workload shown by the Department of Anaesthesia may not be the actual workload.</p> <p>2. The Histopathological workload from the department of Pathology was 8 to 9 per day while that from Anaesthesia and Orthopaedics was 26 per day from the total operative workload 59 surgeries per day in the entire hospital.</p> <p>3. There is discrepancy in the blood consumption of the</p>	<p><b>Submission of Institution</b></p> <p>1-Minor Surgeries shown by Department of Anesthesia are those Minor surgeries where Anesthesiologist contributes their role during procedure, whereas Minor surgeries quoted in other departments is sum total of all Minor surgeries done by the respective department and represent the actual workload. Hence there is no discrepancy in the workload of various departments as Ophthalmology, Orthopedics and OBGY which was their actual workload.</p> <p>2-It is submitted that Department of Pathology has mentioned number of surgical specimen i.e. 8 to 9 per day, as per information asked in Standard Assessment Form of Dept. of Pathology while other disciplines have referred to total number of investigative/teaching facilities as asked in their SAF i.e. histopathology blocks/ day (26/day for all specialties) developed by pathology department to arrive at diagnosis/ for teaching. (number of histopathology blocks prepared for the department are more than number of specimen received by Department of Pathology)</p> <p>3-Please refer to Standard Assessment Forms submitted by</p>

	<p>department of the pathology and other clinical departments 5 to 6 units v/s 8 to 10 units per day.</p> <p>4. The Institute failed to offer credible explanation in view of the discrepancies observed in blood consumption and histopathology workload at the time of personal hearing.</p> <p>5. There were no authentic research publications from the department in last 3 years. It may be stated that the Institute has submitted different data for different departments.</p>	<p>Department of Anesthesia as well as Department of Pathology wherein there is no discrepancy in the consumption of blood units and both have mentioned average blood units consumed daily with distribution in various specialties as 8 to 10 units.</p> <p>4-All genuine dates were produced during personal hearing however It is submitted that the explanation as given above is based on evidences and is fully justified hence may please be accepted.</p> <p>5-The research work by the residents of the Department done under the guidance of faculty are under process of publication. Actual genuine no. of publications of different departments have been shown.</p>
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The Post graduate Committee considered the written and oral submission of the College. It is pertinent to point out that the Board of Governors in their decision-making has collected and collated in various assessment reports in respect of various applications submitted by the College and these were duly analyzed by the competent authority in an integrated manner for the different department of the entire college and attached hospital and it has been done in a holistic manner to ensure that the Applicant Medical Colleges/ Institution are in a position to run Postgraduate Medical Courses or not. Therefore, the reply of the College that it has given correct workload of minor surgeries in which Anesthesia Department has contributed is not convincing. Based upon that the BOG finding that there is doubt about credibility of projected clinical material and blood consumption, lab investigations cannot be faulted with. Therefore, the justification tendered by the College on these count is not acceptable. Further, the College claims that publication under the guidance of faculty members are under process of publication mean that there are no publication. PG programmes are research and training based and these are required to be published so as to demonstrate the academic standard of the Institute.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MD (Anaesthesia) to grant 01 seats is in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

**10. Starting of MS(Ophthalmology) course at Peoples College of Medical Sciences & Research Centre, Bhanpur, Bhopal under People's University, Bhanpur, Bhopal u/s 10A of the IMC Act, 1956.**

The Council office has received proposal from Project Director, People's University, Bhopal vide his letter dated 28/04/2012 for starting of MS(Ophthalmology) course with 04 seats. The Assessment was carried out on 4<sup>th</sup> December 2012. The Board of Governors approved the scheme of the College for 01 seat. The above decision of the

BOGs was communicated to the college authorities on 02<sup>nd</sup> February 2013. The College appeared for personal hearing on 12/02/2013 and sought 03 seats. The Board reiterated its decision and that was communicated on 28.03.13. The above decision of the BOGs was communicated to the college authorities on 28<sup>th</sup> March 2013. The College challenged this decision by way of writ petition before the Hon'ble High Court of MP at Jabalpur by way of WP No. 10023 of 2013 that came to be disposed on 19.07.13. In compliance with that decision the BOGs at its meeting held on 31<sup>st</sup> July 2013 and the committee decided as under:-

*"On reviewing of the assessment report, it was observed :*

- 1) *Dr. V.K. Saini, who is 68 years and has been shown as Professor has a gap in the service of around 5 years (31/12/2006 to 01/08/2011).*
- 2) *Dr. B.L. Sharma, who is 55 years old, has been shown as Senior Resident.*

*Thus raising doubts about the regularity of faculty in the department of Ophthalmology and appointing as SR's over 50 years of age indicates that they were produced for the purpose of inspection only.*

*From the said Institute, along with Ophthalmology, several other disciplines observed in the clinical material and variability in the data submitted by the Institute in various departments, thus raised serious concerns about the creditability of available clinical material in the teaching hospital.*

*The Institute was rejected by the Council for starting of MS (Ophthalmology) course due to deficiency of clinical workload & deficiency related to Eye-Bank & Keratoplasty.*

*The Board evaluated the application and it was observed that the deficiency related to infrastructure and equipment has been rectified, thus decided to approve the starting of course with one PG seat. It was felt that the department of Ophthalmology is interlinked to other clinical disciplines, Thus the further increase of PG seats, the PG programme needs to be strengthened and other deficiencies need to be rectified.*

*The representation submitted by the Institute on 22/07/2013 was also reviewed. It may be said that the evaluation of application for starting/increase of PG seats is based on collection of several parameters including faculty strength, clinical material, commensuration of clinical material with investigative workload, consent of application, ongoing vigilance probe etc. are taken into consideration for sanction of the seats.*

*The last date of communication of decision u/s. 10(A) has finished on 31/03/2013 for the Academic session 2013-14. Thus, it is not possible to review or consider the compliance for the said Academic Session by the Council. For ongoing PG training, it is mandatory to have sufficient clinical material including patient turnover, Lab Investigations, Radiological Investigations, Operative workload, Blood Consumption etc for the adequate and proper training of the student to build their competence for becoming independent practitioner, which cannot be compromised by MCI.*

*Based on the above observations, the earlier decision of starting of MS (Ophthalmology) course with 1(one) PG seat may be reiterated.*

*Based on the above observations and the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated as per decision of board meeting held on 31.07.2013."*

The above decision was communicated to the college authorities on 31/07/2013. Aggrieved by this Order the College preferred a writ petition no, 15193/2013 that came to disposed of on 23.04.14 and the operative part of the Order of the Hon'ble High Court reads as under:-

*" [...] From the reading of the above quoted extract of the order it becomes clear that respondent no.2 has rejected the application on the basis of additional deficiencies including discrepancy observed in the consumption of blood unit in various departments and department of Pathology with variability in the submission of data by the Institute regarding their different departments. Respondent no.2 has thus apparently relied upon additional deficiencies apart from deficiency referred to in the show cause notice while rejecting the petitioners' application for increase of seats in MS (Ophthalmology) course and for these additional deficiencies, no show cause notice was admittedly given to the petitioners which is a mandatory requirement under first proviso to sub-section (4) of section 10A of the Indian Medical Council Act, 1956. Therefore, order dated 31.7.2013 cannot be sustained and we accordingly quash the same. The matter is remanded to respondent no.2 to take a fresh decision in accordance with law by passing a reasoned/speaking order after giving an opportunity of hearing to the petitioners on all the deficiencies including any other legal embargo for increasing the seats requested for. This exercise be done as far as possible by 20.5.2014.*

*The petition is allowed to the extent mentioned above. No costs."*

In pursuance to above Order of the Hon'ble High Court of Madhya Pradesh, the Dean/ Principal, Peoples College of Medical Sciences & Research Centre, Bhanpur Bhopal has been directed to appear for hearing before the Postgraduate Committee on 10<sup>th</sup> June, 2014.

Accordingly, the Postgraduate Committee met on 10/06/2014 at 12 Noon and during the hearing college was represented by Dr. V.K. Pandya, Vice-Chancellor, People's University, Bhopal; Dr. M.K. Mishra, Dean, Peoples College of Medical Sciences & Research Centre, Bhopal; Cd. A.K. Khurana, Director, Planning, People's University and Dr. Neeraj Khare, Med. Supdt., Peoples Hospital. The following submissions were made during the hearing:

Subject	Deficiencies pointed out by MCI	Submission of Institution
<b>Ophthalmology</b>	<p>Ref. MCI letter No. MCI-48(22)/2012-Med.101480-101484 dated 31<sup>st</sup> July 2013</p> <p>1. Dr. V.K. Saini, who is 68 years and has been shown as Professor has a gap in service of around 5 years (31/12/2006 to 01/08/2011).</p> <p>2. Dr. B.L. Sharma, who is 55 years old, has been shown as Senior Resident. Thus raising doubts about the regularity of faculty in the department of</p>	<p>1. It is humbly submitted that Hon'ble Assessor had duly authenticated Dr. V.K. Saini as Professor &amp; HOD., However the gap shown in the case of Dr. V.K. Saini is due to his non-teaching service as Director of medical education and is not actually a gap in service as also endorsed by Assessor in his declaration form which can be duly verified by MCI. Dr. V.K. Saini had adequate services left to train P.G. Students.</p> <p>2. Dr. B.L. Sharma had worked in this institution as full time resident for a pretty long period and was subsequently promoted to</p>

	<p>ophthalmology and appointing as SR's over 50 years of age indicates that they were produced for the purpose of inspection only.</p> <p>3. From the said Institute, along with Ophthalmology, several other disciplines observed in the clinical material and variability in the data submitted by the Institute in various departments, thus raised serious concerns about the creditability of available clinical material in the teaching hospital.</p> <p>4. The Institute was rejected by the Council for starting of MS (Ophthalmology) course due to deficiency of clinical workload &amp; deficiency related to Eye-Bank &amp; Keratoplasty.</p> <p>5. For ongoing PG training it is mandatory to have sufficient clinical material including patient turnover, Lab Investigations Radiological Investigations, Operative workload, Blood Consumption etc for the adequate and proper training of the student to build their competence for becoming independent practitioner, which cannot be compromised by MCI.</p>	<p>Senior resident, hence his being 55 yrs old does not disqualify him to be a Senior resident as also authenticated by Hon'ble Assessor in his Declaration Form, moreover there was no prohibition by MCI at time of his joining the institute regarding any age limitation for Senior resident. His credentials are genuine and is a Full time regular staff.</p> <p>3. Please refer to justifications submitted regarding histopathology, blood consumptions etc in other disciplines thus authenticating the creditability of available clinical material.</p> <p>4. There is no deficiency of clinical workload and deficiency related to eyebank&amp;keratoplasty as duly verified by the Assessor on final remark of his report.</p> <p>On the basis of several parameters including Faculty strength, Clinical material, investigative workload etc duly verified by Assessor, increase of seats may kindly be considered.</p> <p>5. It is respectfully submitted that adequate physical and academic infrastructure &amp; facilities, Clinical material including patient turnover, Investigations, Operative workload, Blood consumption etc are adequate as per MCI norms and available for proper training of students as mentioned above and as per authentication by Assessor report. The mandatory requirements for PG training have never been compromised.</p>
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The Post graduate Committee considered the written and oral submission of the College. It is pertinent to point out that the Board of Governors in their decision-making has collected and collated in various assessment reports in respect of various applications submitted by the College and these were duly analyzed by the competent authority in an integrated manner for the different department of the entire college and attached hospital and it has been done in a holistic manner to ensure that the Applicant Medical Colleges/ Institution are in a position to run Postgraduate Medical Courses or not. Therefore, the reply of the College that it has adequate physical and academic infrastructure & facilities, Clinical material including patient turnover, Investigations, Operative workload, Blood consumption etc are adequate as per MCI norms and available for proper training of students does not sound convincing as noted by the Board in its decision. Based upon that the BOG finding that there is doubt about credibility of projected clinical material and blood consumption, lab investigations cannot be faulted with. Therefore, the justification tendered by the College on these count is not acceptable. Further, the College claims that it has facility publication under the guidance of faculty members are under process of publication mean that there are no publication. PG programmes are research and training based and these are required to be published so as to demonstrate the academic standard of the Institute.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MS (Ophthalmology) to grant 01 seats is in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

**11. Scheme for Increase of seats in MD(Paediatrics) course at Peoples College of Medical Sciences & Research Centre, Bhopal under People's University, Bhanpur, Bhopal u/s 10(A) of the IMC Act, 1956 from 02(Two) to 06(Six) seats for academic year 2013-2014.**

The Council had received proposal from, People's University, Bhopal vide its letter dated 27/04/2012 for increase of seats in MD(Paediatrics) course from 02 to 06 for the academic year 2013-14. The Assessment was carried out on 4<sup>th</sup> December 2012. The BOG noted that there is discrepancy in the daily load of the histopathology in the assessment report of General Surgery and other clinical subjects. The institute was directed to submit clarification in this regard and the above decision of the BOGs was communicated to the college authorities on 04<sup>th</sup> February 2013. The College appeared for personal hearing on 12/02/2013 personal hearing and the Board of Governors after consideration of their written submission submission/compliance and verbal explanation decided that ***decided to disapprove*** the scheme for increase of seats in MD (Paediatrics) course as college authorities failed to give satisfactory explanation about deficiency pointed out earlier. The above decision of the BOGs was communicated to the college authorities on 28<sup>th</sup> March 2013. Subsequently, pursuant to Order dated 19.07.13 of the Hon'ble High Court of Madhya Pradesh High Court in WP No. 10035/2013 the matter was considered afresh and the BOGs at its meeting held on 31<sup>st</sup> July 2013 and decided as under:-

*"The matter was placed before the PG Committee to examine the application and the representation submitted by the Institute.*

- 1) *It may be stated that the Institute has submitted the Histopathology details as Annexure -I from the assessment reports of General Surgery, Orthopaedics, Paediatrics, Medicine & ENT. But it was observed that Histopathology details from the department of*

*Pathology which is the parent department, was not submitted. The Institute had also applied for increase of seats in department of Pathology along with enhancement of seats in other clinical disciplines.*

*The Histopathology of various Surgical specimen received from the surgical disciplines are examined only by department of Pathology. Thus the data of Histopathology from department of Pathology should match and should be similar to the Histopathology data of other discipline.*

*There was discrepancy in this data from department of Pathology and other disciplines. In all the Assessment reports this data was submitted by the Institute only was evaluated by the Council. Thus, there were concerns about credibility of projected clinical material shown by the Institute.*

*a) There were unexplained gaps in the service of Professor Dr. (Mrs. Vijay Beohar), who had joined this Institute on 18/02/2008 after a gap of around 3 years in service.*

*b) The Assistant Prof. Dr. Uttam Sapkal was 63 years old, raising doubts about their regularity and full time status in the Institute. The Asst. Prof. are required in active management of patients, the Govt. of India has also imposed the maximum age for recruitment of Asst. Prof. to 45 years of age.*

*3) There was discrepancy observed in the consumption of Blood unit in various departments and department of Pathology. There is a variability in the submission of the data by the Institute by the various departments.*

*The last date of communication of decision u/s. 10(A) has finished on 31/03/2013 for the Academic session 2013-14. Thus, it is not possible to review or consider the compliance for the said Academic Session by the Council. For ongoing PG training, it is mandatory to have sufficient clinical material including patient turnover, Lab Investigations, Radiological Investigations, Operative workload, Blood Consumption etc for the adequate and proper training of the student to build their competence for becoming independent practitioner, which cannot be compromised by MCI.*

*In view of above observations, the increase in PG seats in MD (Pediatrics) course may be disapproved and the Institute is directed to strengthen the clinical material and ongoing PG programme.*

*Based on the above observations and the request for further increase of seat cannot be considered, thus the earlier decision may be reiterated as per decision of board meeting held on 31.07.2013."*

*The above decision was communicated to the college authorities on 31/07/2013.*

*This decision was challenged by the College by way of Writ Petition No. 15181/2013 and the Hon'ble High Court vide its Order dated 23.04.14 has disposed of the Writ Petition. The operative part of the Order of the Hon'ble High Court reads as under:-*

*" [...] From the reading of the above quoted extract of the order it becomes clear that respondent no.2 has rejected the application on the basis of additional deficiencies including discrepancy observed in the consumption of blood unit in various departments and department of Pathology with variability in the submission of data by the Institute regarding their different departments. Respondent no.2 has thus apparently relied upon additional deficiencies apart from deficiency referred to in the show cause notice while rejecting the petitioners' application for increase of seats in MD (Pediatrics) course and for these additional deficiencies, no show cause notice was admittedly given to the petitioners which is a mandatory requirement under first proviso to sub-section (4) of section 10A of the Indian Medical Council Act, 1956. Therefore, order dated 31.7.2013 cannot be sustained and we accordingly quash the same. The matter is remanded to respondent no.2 to take a fresh decision in accordance with law by passing a*

*reasoned/speaking order after giving an opportunity of hearing to the petitioners on all the deficiencies including any other legal embargo for increasing the seats requested for.*

*The petition is allowed to the extent mentioned above. No costs."*

In pursuance to above Order of the Hon'ble High Court of Madhya Pradesh, the Dean/ Principal, Peoples College of Medical Sciences & Research Centre, Bhanpur Bhopal has been directed to appear for hearing before the Postgraduate Committee on 10<sup>th</sup> June, 2014.

Accordingly, the Postgraduate Committee met on 10/06/2014 at 12 Noon and during the hearing college was represented by Dr. V.K. Pandya, Vice-Chancellor, People's University, Bhopal; Dr. M.K. Mishra, Dean, Peoples College of Medical Sciences & Research Centre, Bhopal; Cd. A.K. Khurana, Director, Planning, People's University and Dr. Neeraj Khare, Med. Supdt., Peoples Hospital. The following written submissions were made during the hearing:

Subject	Deficiencies pointed out by MCI	Submission of Institution
<b>Paediatrics</b>	<p>Ref. MCI letter No. MCI-48(22)/2012-Med.101495-101499 dated 31<sup>st</sup> July 2013</p> <p>1. It may be stated that the Institute has submitted the Histopathology details as Annexure -I from the assessment reports of General Surgery, Orthopaedics, Paediatrics, Medicine &amp; ENT. But it was observed that Histopathology details from the department of Pathology which is the parent department, was not submitted.</p> <p>2. The histopathology of various surgical specimens received from the surgical disciplines are examined only by dept. of Pathology. Thus the data of Histopathology from Dept of Pathology should match and should be similar to the histopathology data of other disciplines.</p>	<p>1-Institute has submitted details as discrepancy raised by MCI in compliance report in Feb 2013. Details of parent pathology department were already with MCI. In addition Institute has submitted certified record of three months of Histopathology from department of Pathology (October to December 2012) at the time of personal hearing for your reference.</p> <p>2-It is submitted that Department of Pathology has mentioned number of surgical specimen i.e. 8 to 9 per day, as per information asked in Standard Assessment Form of Dept of Pathology while other disciplines have S.A.F. referred to total number of Investigative/ teaching facilities as asked in their SAF i.e. histopathology blocks/ day (26/day for all specialties) developed by pathology department to arrive at diagnosis/ for. teaching. (number of histopathology blocks prepared for the department are more than number of specimen received by Department of Pathology)</p>

	<p>3. There was discrepancy in this data from department of Pathology and other disciplines. Thus there were concerns about credibility of projected clinical material shown by the Institute.</p> <p>4. There were unexplained gaps in the service of Professor Dr. (Mrs. Vijay Beohar), who had joined this institute on 18/2/2008 after a gap of 3yrs in service.</p> <p>5. Assistant Prof. Dr. UttamSapkal was 63 years old, raising doubts about regularity and fulltime status in the Institute.</p> <p>6- There was discrepancy observed in the consumption of blood units in various departments and department of pathology. There is a variability in the submission of the data by the Institute by the various departments.</p> <p>7. For ongoing PG training it is mandatory to have sufficient clinical material including patient</p>	<p>3-Explanation submitted as above is thus authenticating the credibility of projected clinical material shown by the institute and there is no discrepancy in this data from Department of Pathology and other disciplines.</p> <p>4-Details of gap. as mentioned against faculty are attached for reference. It should be noted that gap period is before joining this institute and pertains to her non teaching services which does not affect her experience in this institute and has not been claimed as teaching experience in declaration form which can be duly verified by MCI.</p> <p>5-Kindly Refer- MEDICAL COUNCIL OF INDIA Minimum Qualifications for Teachers in Medical Institutions Regulations, 1998 which states "The maximum age limit upto which a person can be appointed or granted extension or re-employed in service against the posts of Teachers ..... for imparting Graduate and Post-Graduate medical education, shall be 65 years" which has been modified as 70 yrs in subsequent amendments. He is a fulltime regular faculty and being of 63yrs age does not disqualify him to be a faculty. Maximum age limit for recruitment of assistant Professor as 45yrs was not implemented by GOI at time of his appointment.</p> <p>6-Please refer to Standard Assessment Forms submitted by Department of Paediatric as well as Department of Pathology wherein there is no discrepancy in the consumption of blood units and both have mentioned average blood units consumed daily with distribution in various specialties as 8 to 10 units.</p> <p>7-It is respectfully submitted that adequate physical and academic infrastructure, &amp; faculties,</p>
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	turnover, lab Investigations Radiological Investigations, Operative workload, Blood consumption etc for the adequate and proper training of the student, to build their competence for becoming independent practitioner, which cannot be compromised by MCI.	Clinical material including patient turnover, Investigations, Operative workload, Blood consumption etc are adequate as per MCI norms and available for proper training of students as mentioned above and as per authentication by Assessors report. The mandatory requirements for PG training have been never compromised.
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The explanation offered by the People's College about the discrepancy in histopathology data has not been explained by the College in a credible manner. It is pertinent to point out that the Board of Governors in their decision-making has collected and collated in various assessment reports in respect of various applications submitted by the College and these were duly analyzed by the competent authority in an integrated manner for the different department of the entire college and attached hospital and it has been done in a holistic manner to ensure that the Applicant Medical Colleges/ Institution are in a position to run Postgraduate Medical Courses or not. Therefore, the reply of the College that only surgical specimen. i.e. 8-9 per day was shown in assessment form while other departments is not shown is unconvincing as the histopathology load of the entire Hospital/Medical College is to be carried out by the Department of Pathology only. The data of histopathology provides the picture relating to the availability of clinical material in a Medical College. It is this clinical material (patients) that is required for the proper training of PG students. Based upon that the BOG finding that there is doubt about credibility of projected clinical material and blood consumption, lab investigations cannot be faulted with. Therefore, the justification tendered by the College on these count is not acceptable. As far as explanation regarding Dr. Mrs. Vijay Beohar aged about 63 years working as Assistant Professor is concerned it is acceptable.

Accordingly, the PG Committee after considering the submission of the College decided that the decision of the BOGs in respect of the MD (Paediatrics) to disapprove the scheme is in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed thereunder apply afresh to the Central Govt. for the applicable academic year for consideration.

Summarily the Postgraduate Medical Education Committee consisting of following members:

1.	Dr. S.B. Siwach	Chairman, Former Director, Pandit B D Sharma PGI, Rohtak, Haryana
2.	Dr. Datteswar Hota	Professor & HoD, SCB Medical College & Hospital, Cuttack, Orissa
3.	Dr. Putta Srinivas	Professor & Principal I/C, Osmania Medical College, Hyderabad
4.	Dr. Raja Babu Panwar	Vice-Chancellor, Rajasthan University of Health Sciences, Jaipur
5.	Dr. (Mrs.) Rani Bhaskaran	President, Travancore-Cochin Medical Council, Thiruvananthapuram

Perused the assessment reports of all the eight departments, initial orders of Board of Governors of MCI in respect of 6 specialties disapproving the scheme submitted by the Medical College and granting 01 seat in MD (Anaesthesia) against the increase of 4 seats that was sought and 01 seat in MS (Ophthalmology) against 3 seats that were sought for starting of the course, submission of the college during personal hearing on 12/02/2013 and subsequent orders of the Board of Governors rejecting the request, orders of Honorable High court dated 19/07/2013, subsequent orders of Board of Governors again rejecting the request of the college for increase in PG seats, 2<sup>nd</sup> order of Honorable High court dated 23/04/2014 and consequent submissions by the college during personal hearing on 10/06/2014 before Postgraduate Medical Education Committee of MCI.

The P.G. Committee came to the conclusions that there are many contradictions in reports of different departments which raise serious doubts about the genuineness of the clinical material available, For example histopathology specimens reported by Pathology department should be sum total of specimens sent by all surgical departments to pathology department . However total number of histopathology specimens reported by Pathology department is less than even one department of Orthopedics. Similarly total major and minor surgeries reported by Anesthesia Department should be sum total of surgeries performed by all Surgical departments. But, this also does not tally. Similar contradictions are there in units of blood consumed. The explanations given for these by the college during personal hearing are highly non convincing and non plausible. There are hardly any genuine publications in indexed journals from many departments. Based on these observations the Postgraduate Medical Education Committee decided that the decisions of Board of Governors to disapprove the scheme are in order and the explanation offered by the college lacks merit. The College may in accordance with the scheme of Indian Medical Council Act, 1956 and the Regulations framed there under apply afresh to the Central Govt. for the applicable academic year for consideration.

**Meeting ended with a vote of thanks to the Chair**

**New Delhi, dated the  
10<sup>th</sup> June, 2014**

**(Dr. Reena Nayyar)  
Joint Secretary**

**APPROVED**

**(Dr. Siri Bhagwan Siwach)  
Chairman**