

**BOARD OF GOVERNORS
IN SUPERSESSION OF MEDICAL COUNCIL OF INDIA
SECTOR-8, POCKET-14, DWARKA PHASE-1,
NEW DELHI-110077**

MINUTES

Twenty-first meeting of the Board of Governors was held on 21st August, 2019 (Wednesday) from 3.00 p.m. onwards at MCI office at Pocket-14, Sector-8, Dwarka, New Delhi-110077.

The following members of the Board of Governors were present:

- | | | | |
|----|---------------------------------|---|----------|
| 1. | Dr. V.K. Paul | - | Chairman |
| 2. | Dr. B.N. Gangadhar | - | Member |
| 3. | Dr. Nikhil Tandon | - | Member |
| 4. | Dr. A.K. Saxena | - | Member |
| 5. | Dr.(Maj. Gen.) Madhuri Kanitkar | - | Member |
| 6. | Dr. Pankaj M Shah | - | Member |
| 7. | Dr. R.V. Ramani | - | Member |
| 8. | Dr. K S Sharma | - | Member |

Leave of absence was received from Dr.Randeep Guleria, Dr. Jagat Ram & Dr.Balram Bhargava, Member(s), BoG.

Dr. R.K. Vats, Secretary General, BoG, MCI along with Dr. S. Venkatesh, Principal Advisor and Dr.Siddarth Ramji, OSD/Sr. Adviser to BoG also attended the meeting.

The Chair welcomed the members.

Following is the summary of proceedings and decisions of the meeting.

1. **Representation pursuant to the orders of the Hon'ble Delhi High court of 11th July 2019 in Sonali Shah V/S Medical Council of India in Writ Petition (Civil) No 11443 of Year 2015.**

Read: Agenda Note.

The BoG considered representation pursuant to the orders of the Hon'ble Delhi High court of 11th July 2019 in Sonali Shah V/S Medical Council of India in Writ Petition (Civil) No 11443 of Year 2015.

G. P. C.

Vatm

Decision:

The Board of Governors after perusing the representation and observations of Senior Advisor, Board of Governors decided that the qualification of Doctor of Osteopathic Medicine was equivalent to that of MBBS of Indian Medical Schools. Further, as the applicant has stated that she was working as Senior Consultant in Obst. & Gynae, hence she may be asked to submit the course curriculum for qualification of Obst & Gynae. acquired by her along with necessary documents to demonstrate the equivalence of Obst. & Gynae. speciality obtained from the concerned Osteopathic Board with that of Obst. & Gynae qualification obtained by MD Physician in USA. Thereafter, her eligibility for grant of registration on the basis of possessing both undergraduate and postgraduate qualification in modern medicine from USA will be considered.

2. Starting Super specialty courses within same Department

Read: Agenda Note.

The BoG considered the request from the Department of Pediatrics at LHMC and VMMC, New Delhi for modifying MCI regulations to allow start of Super specialty course in pediatric specialties within the Department of Pediatrics as Divisions as at AIIMS and PGIMER, Chandigarh.

Decision:

The BoG in principle agreed that it was worth pursuing the proposal of starting super specialty course within the same department. Though the proposal was for Pediatrics, it was noted that the same may be considered for other specialties as well. It further recommended that the instant proposal may be placed before a group of experts from Pediatrics to consider the various issues with regard to qualifications and eligibility of faculty, sharing of infrastructure and clinical material, promotion of faculty etc. when initiating a superspeciality course within the same Department of Pediatrics. The recommendations of experts constituted to examine this proposal may be placed before the BoG for consideration. Dr. Pankaj Shah and Dr. Kailash Sharma also raised the issue of similar problems within Oncology and on similar lines as for Pediatrics, it was recommended that a group of experts in Oncology may also be requested to examine the matter and recommendations thereof be placed before the BoG for their consideration.

3. C.S.J.M. University, Kanpur- Recognition of MD(General Medicine) qualification for 6 seats in respect of students being trained at U.P. Rural Institute of Medical Sciences & Research, Etawah

Read: Agenda Note.

The BoG considered the letter dated 09.07.2019 received from the Dean, U.P. Rural Institute of Medical Sciences & Research, Etawah, Assessor letter dated

G.P.e

Vatml

11.07.2019, alongwith previous assessment reports (September, 2017 & August, 2018) with regard to recognition of MD(General Medicine) qualification for 6 seats in respect of students being trained at U.P. Rural Institute of Medical Sciences & Research, Etawah.

Decision:

The BoG decided not to accede to the request from the Dean, U.P. Rural Institute of Medical Sciences & Research, Etawah for recognition of MD(General Medicine) qualification for 6 seats since the appointed assessor in his letter dated 11.7.2019 had stated that the college was not ready for the inspection that was scheduled on 9.7.2019. The matter will be considered only after an appropriate compliance inspection has been carried out.

4. Registration of PG DPM Students between 1979-91 from Karnataka Medical College Hubli/Karnataka University Dharwad.

Read: Agenda Note.

The BoG considered the representation dated 01.07.2019 received from the Convener with regard to one time recognition for all 16 DPM PGs between 1979-91 in respect of Karnataka Medical College Hubli under Karnataka University Dharwad.

Decision:

The BoG decided to recommend to the Central Government to accord one time recognition for the DPM degrees granted for batches admitted between 1979-91 in respect of Karnataka Medical College Hubli under Karnataka University Dharwad.

5. Report of the Committee constituted to provide hand holding support to CPS, Mumbai.

Read: Agenda Note.

The BoG considered letter No.V.11.025/14/2015-MEP, dated 22.07.2019 received from the Under Secretary to the Govt. of India, Ministry of Health & Family Welfare, Nirman Bhavan, New Delhi.

Decision:

The BoG was apprised of a letter that had been received from College of Physicians & Surgeons (CPS), Mumbai informing about the changes in the Memorandum of Articles incorporating the checks & balances relating to the functioning of the society and had requested that MCI may nominate a representative on their Governing Board. The Secretary General informed the BoGs that the name of Dr. S. Ramji, Sr. Advisor, BoG as the BoG/MCI nominee has been communicated to CPS..

U.P.

Vatm

6. Affiliation of MBBS course of SDM College of Medical Sciences & Hospital, Dharwad under Shri Dharmsthala Manjunatheshwara University, Dharwad.

Read: Agenda Note.

The BoG considered letter dated 11/06/2019 received from Central Govt, MOHFW forwarding therewith letter dated 23/05/2019 of Vice Chancellor, Shri Dharmsthala Manjunatheshwara University, Dharwad regarding affiliation of MBBS course of their college under Shri Dharmsthala Manjunatheshwara University, Dharwad.

Decision:

The BoGs decided to approve the affiliation of MBBS course of SDM Medical College, Dharwad under Shri Dharmsthala Manjunatheshwara University, Dharwad which was earlier affiliated to Rajiv Gandhi University of Health Sciences, Bangalore.

7. Recognition of MBBS Degree awarded by Kaloji Narayan Rao University of Health Sciences, Warangal Telangana State.

Read: Agenda Note.

The BoG considered the Vice Chancellor KNR University of Health Sciences, Telangana vide letter dated 10.02.2016 has informed that Kaloji Narayana Rao University of Health Sciences has been established by the Government of Telangana vide G.O. Ms. No. 20 Health Medical & Family Welfare (C1), Dated: 26.09.2014 adaptation to the state of Telangana, the NTR University of Health Sciences Act, 1996.

Decision:

The BoGs decided to approve the change of affiliation from NTR University of Health Sciences to Kaloji Narayan Rao University of Health Sciences, Warangal Telangana.

8. Recognition of PG qualification in respect of B.P. Koirala Institute of Health Sciences, Dharan, Nepal and Institute of Medicine, Maharaj Gunj, Kathmandu, Nepal.

Read: Agenda Note.

The BoG considered that the recognition of MS(OBG), MD(Paediatrics) & MS(Ophthalmology) courses in respect of students being trained at Institute of Medicine, Maharaj Gunj, Kathmandu, Nepal and recognition of MD(Pathology) & MS(Ophthalmology) course in respect of students being trained at B.P. Koirala Institute of Health Sciences, Dharan, Nepal.

Decision:

The BoG noted that with regard to recognising qualifications of Nepal, the same has to be processed u/s 12(2) of the IMC Act, 1956 which requires an MoU between the

U.P.

Vatm

Nepal Medical Council & BoG/Medical Council of India. To process the request of Nepal Medical Council, a meeting may be convened at the earliest between the representatives of the two authorities in Delhi so as to be able to decide on the pending request for recognition u/s 12(2) of the IMC Act, 1956.

9. **Recognition of MD(DVL) qualification for 02 seats in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar for change in year – regarding.**

Read: Agenda Note.

The BoG considered the representation dated 01.08.2019 received from the Director Principal, Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar with regard to necessary correction in the Notification issued by the Ministry vide Notification dated 23.04.2019 recognize MD(DVL) qualification in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar from **2017** instead of 2018.

Decision:

The BoG decided to recommend to the Central Govt. to issue amendment to their notification dated 23.04.2019 recognising MD(DVL) qualification in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar from 2017 instead of 2018.

10. **Recognition of MD(Tuberculosis & Respiratory Diseases / Pulmonary Medicine) qualification for 02 seats in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar for change in year – regarding.**

Read: Agenda Note.

The BoG considered the representation dated 01.08.2019 received from the Director Principal, Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar with regard to necessary correction in the Notification issued by the Ministry vide Notification dated 01.04.2019 recognize MD(Tuberculosis & Respiratory Diseases/Pulmonary Medicine) qualification in respect of students being trained at Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar from **2017** instead of 2018.

Decision:

The BoG decided to recommend to the Central Govt. to issue amendment to their notification dated 01.04.2019 recognising MD (Tuberculosis & Respiratory Diseases/Pulmonary Medicine) qualification in respect of students being trained at Sri

G.P.

Vatuk

Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar from 2017 instead of 2018.

11. Confirmation of eligibility for the post of Professor in the Department of Urology in respect of Dr.Satya Prakash Yadav in a medical College

Read: Agenda Note.

The BoG considered the eligibility for post of Professor in the Department of Urology in respect of Dr.Satya Prakash Yadav in a medical College.

Decision:

The BoG after reviewing all the documents and clarifications provided by Dr. SP Yadav, opined that Dr.Satya Prakash Yadav is eligible as Professor in the Department of Urology in a Medical College.

12. Re-recognition of 17 AFMS Hospitals as teaching Hospitals.

Read: Agenda Note.

The BoG considered letter dated 23rd July, 2019 for inclusion of Paediatrics in the subjects applicable for teaching in the 17 AFMS Hospitals granted recognition.

Decision:

The BoG decided to accede to the request from the office of DGAFMS to include Pediatrics in the subjects applicable for teaching in the 17 AFMS Hospitals granted recognition in addition to the subjects communicated by BoG/MCI in their letter dated 20.6.2019 to DGAFMS

13. Consideration of the minutes of the PG Expert Group with regard to starting/increase of seats/recognition/renewal of recognition of postgraduate courses-approval.

Decision:

The BoG ratified the minutes of the PG Expert Group with regard to starting/increase of seats/recognition/renewal of recognition of postgraduate courses:-

Section 11(2)- Recognition	-	181 cases
Section 10(A) – Starting/Increase of seats	-	203 cases

G.P.

Vatun

14. Ratification of the decision taken on the legal opinion regarding remuneration/stipend being paid by the hospital concerned to the foreign national(s) for the purposes of Fellowship/Training/Procedures/Live Surgery etc.

Decision:

The BoG ratified the decision taken on the legal opinion regarding remuneration/stipend being paid by the hospital concerned to the foreign national(s) for the purposes of Fellowship/Training/Procedures/Live Surgery etc.

15. Grant of registration of Membership of the various Royal Colleges in United Kingdom as additional qualification u/s 26 of the IMC Act, 1956.

Read: Agenda Note.

The BoG considered grant of registration of Membership of the various Royal Colleges in United Kingdom as additional qualification u/s 26 of the IMC Act, 1956.

Decision:

The BoG advised MCI to remain cautious while considering such cases where neither training nor examination takes place in the country where degree awarding institution is located and decided to accept the legal opinion that ".....the postgraduate qualifications awarded by Universities/Institutions in Australia, Canada, New Zealand, United Kingdom and United States of America, when training has taken place at an offshore centre outside the awarding Country, could be considered as recognized towards grant of additional qualification registration, only if a candidate can present a registration certificate (which is valid for practice of said speciality in that country) issued by appropriate authority of the said Country in the concerned specialty on the basis of the qualification in question".

16. Request of State Governments for extension of time for Admission in MBBS State Counseling -Reg.

Read: Agenda Note.

The BoG considered letters dated 8.8.2019 and 16.8.2019 received from the Governments of Karnataka and Rajasthan whereby they have requested for extension of date for admission in MBBS till 25.8.2019 and 31.08.19 respectively. The request from Government of Karnataka is due to situation of floods in various parts of Karnataka, while that of Rajasthan is based upon certain irregularities noted in the Second round of counseling.




Decision:

The Board of Governors considered the request of Govt. of Karnataka, Maharashtra and Rajasthan seeking extension of time for making admissions in MBBS for academic year 2019-20 and decided to recommend to the Central Government to allow admissions upto 31.08.2019. Further, the Board of Governors decided that if any formal request from any other Central Govt./State Govt./State Medical Counseling Authorities is received, the same may also be decided similarly and authorized Secretary General, BoG to convey the decision. However, any request for extension beyond 31st August should not be accepted as that is the last date for admission in MBBS as per the schedule.

The above item was read and confirmed in the meeting itself. Necessary communications may be made to the Central Govt. and State Govt. of Rajasthan in view of court case listed for hearing on 22nd August, 2019.

17. Consideration of representation of Dr. Arun B.R in pursuance of order dated 31.07.18 of the Hon'ble High Court of Kerala in Dr. Arun B.R. vs. Union of India in WP (C) No. 18264/2018.

Read: Agenda Note.

The BoG considered the representation of Dr. Arun B.R in pursuance of order dated 31.07.18 of the Hon'ble High Court of Kerala in Dr. Arun B.R. vs. Union of India in WP (C) No. 18264/2018.

Decision:

The Board of Governors perused the agenda note and decided that the essential qualifications for a faculty in the department of Nuclear Medicine will be MD (Nuclear Medicine) only which shall be made applicable one year after the date this amendment is notified.

18. Inclusion of Rajarajeswari Medical College & Hospital, Bengaluru, under the ambit of Dr. M.G.R Educational and Research Institute,(Deemed to be University), Chennai – reg.

Read: Agenda Note.

The BoG considered inclusion of Rajarajeswari Medical College & Hospital, Bengaluru under the ambit of Dr. M.G.R Educational and Research Institute,(Deemed to be University), Chennai.

Decision:

The Board of Governors acceded the request of the Registrar, Dr. M.G.R Educational and Research Institute Deemed to be University, Chennai for inclusion of Rajarajeswari Medical College & Hospital, Bengaluru under the ambit of Dr. M.G.R Educational and Research Institute, (Deemed to be University) Chennai.




19. Regarding Biometric Machines & SIM Cards under Online Faculty Attendance Monitoring System (OFAMOS).

Read: Agenda Note.

The BoG considered the following:

1. Whether the biometric machines (5492) installed/dispatched, be handed over to Medical Colleges, on chargeable basis or complementary basis.
2. The OFAMOS module pertaining to the biometric attendance only, be closed. The biometric devices SIM Card, which is in the name of the Council, may be deactivated and Colleges be directed to arrange & maintain biometric attendance on their own.
3. Accordingly, the Medical Colleges & System Integrator may be informed for the compliance as per above said notification.

Decision:

The BoG decided to handover these machines on complementary basis to the Medical Colleges and also approved maintenance of SIM Card as well as machines by the Medical Colleges only with effect from 1st September, 2019.

20. Salient features of National Medical Commission Act, 2019.

Read: Agenda Note.

Decision:

The BoG noted the salient features of NMC Act, 2019.

21. Clarification regarding two years course in Master of Hospital Administration as being equivalent qualification to three years course in MD (Hospital Administration/Community Health Administration/Health Administration)

Read: Agenda Note.

The BoG considered letter dt. 25.02.2019 received from Prof. Sidhartha Satpathy, HOD Hospital Administration with regard to clarification of two years course in Master of Hospital Administration as being equivalent qualification to three years course in MD (Hospital Administration/Community Health Administration/Health Administration).

Decision:

The BoG decided that those with an MBBS degree who have done two year Master of Hospital Administration from AIIMS, Delhi with an additional one year experience in the area of Hospital Administration can be considered eligible as faculty in the department of Hospital Administration.

G.P.

Vatml

22. Regarding Specifying the type of acceptable leave during inspection of medical colleges – reg.

Read: Agenda Note.

The BoG considered the matter with regard to accept the leaves which have got sanction prior to date inspection (with documentary proof being made available) as eligible leaves for inclusion in the faculty being available while calculating faculty deficiencies.

Decision:

The BoG noted that besides the existing leaves permitted by MCI, other statutory leaves should also be accepted as eligible leaves. Any other kind of leave, would have to be examined on a case to case basis for its eligibility.

23. Migration of Ms. Namrata from IMS-BHU Varanasi to Siddhartha Medical College, Vijayawada under Clause 6 Note-2 of Medical Council of India Regulations on Graduate Medical Education, 1997 amended upto May 2018.- reg.

Read: Agenda Note.

The BoG considered the migration of Ms. Namrata from IMS-BHU Varanasi to Siddhartha Medical College, Vijayawada.

Decision:

The BoG examined the matter in details and decided not to accept the request of Ms. Namrata for migration from IMS-BHU Varanasi to Siddhartha Medical College, Vijayawada since none of the extant terms and conditions prescribed in rules is met in this request and further directed Law Officer to communicate the compliance of directions of the Hon'ble Supreme Court to the applicant, as per Annexure-I.

24. Appointment of Sh. SBP Kushwansi as Consultant (Accounts & Finance)

Decision:

The BoG ratified the decision of the Chairman, BoG regarding the contractual engagement of Sh. SBP Kushwansi as Consultant (Accounts & Finance) for a period of three months.

25. Maharashtra University of Health Sciences, Nashik - Recognition of MD(Anaesthesia) qualification for 3 seats in respect of students being trained at A.C.P. M. Medical College, Dhule.

Read: Agenda Note.

G. P. e

Vatm

The BoG considered that recognition of MD(Anaesthesia) qualification for 3 seats in respect of students being trained at A.C.P. M. Medical College, Dhule.

Decision:

The Board of Governors decided in view of protecting the interest of students already admitted in MD (Anaesthesia) course to recommend to the Central Government to recognise the qualification of students admitted in the batches of 2016-17, 2017-18 and 2018-19 also. It is noted that the college has not made any admission for academic year 2019-20. The college stands debarred from making any admission for a period of 3 years and in case it wishes to restart the course it shall make a fresh application u/s 10A of the IMC Act, 1956.

The minutes of the above item was read, approved and confirmed in the meeting itself.

26. Recognition of MD(Radiodiagnosis) qualification for 1 seat in respect of students being trained at A.C.P. M. Medical College, Dhule.

Read: Agenda Note.

The BoG considered that recognition of MD(Radiodiagnosis) qualification for 1 seat in respect of students being trained at A.C.P. M. Medical College, Dhule

Decision:

The Board of Governors decided in view of protecting the interest of students already admitted in MD (Radio-Diagnosis) course to recommend to the Central Government to recognise the qualification of students admitted in the batches of 2016-17, 2017-18, 2018-19 & 2019-20 also. The college stands debarred from making any admission for a period of 3 years and in case it wishes to restart the course it shall make a fresh application u/s 10A of the IMC Act, 1956.

The minutes of the above item was read, approved and confirmed in the meeting itself.

27. Maharashtra University of Health Sciences, Nashik - Renewal of recognition of MS(General Surgery) qualification for 04 seats in respect of students being trained at A.C.P. M. Medical College, Dhule.

Read: Agenda Note.

The BoG considered tht renewal of recognition of MS(General Surgery) qualification for 04 seats in respect of students being trained at A.C.P. M. Medical College, Dhule.

Cup-e

Vatant

Decision:

The Board of Governors decided in view of protecting the interest of students already admitted in MS (General Surgery) course to recommend to the Central Government to renew the recognition of the qualification of students admitted upto 2019-20. The college stands debarred from making any admission for a period of 3 years and in case it wishes to restart the course it shall make a fresh application u/s 10A of the IMC Act, 1956.

The minutes of the above item was read, approved and confirmed in the meeting itself.

28. Proposal for conducting a workshop on the functioning of Ethics Committees across all the State Medical Councils.

Read: Agenda Note.

The BoG perused the observations of the Ethics Committee that Medical Councils do not uniformly practice the functioning of Ethics Committees. There is also lack of clarity in deciding the liability and awarding "punishment" to the erring medical practitioner. The Ethics Committee suggested that a workshop be held for selected members of the functionaries or office bearers of the State Medical Councils.

Decision:

The BoG noted that a consultative meeting to formulate uniform guidelines for ethics committees across all the State Medical Councils may be convened in Delhi inviting representatives from 6-8 State Medical Councils.

29. Uniform guidelines for State Medical Councils –reg.

Read: Agenda Note.

The BoG considered introducing a mechanism or form guidelines to bring about uniformity and consistency in all the cases pertaining to medical professionals, their working in various capacities

Decision:

Decision may be read as under item no.28.

30. Approval of the proceedings of the Ethics Committee meeting held on 27th February, 2019 and 23rd and 24th July, 2019.

Read: Agenda Note.

G. P. e

V. K. R.

Decision:

The BoG ratified the following proceedings of the Ethics Committee meeting held on 27th February, 2019 and 23rd and 24th July, 2019:-

Sr. No.	Subject	Date of meeting of Ethics Committee
1.	Appeal dated 03.10.2016 filed by Sh. Susmit Kumar Nandi against order dated 12.09.2016 passed by West Bengal Medical Council.	27 th February, 2019
2.	Appeal dated 01.03.2019 filed by Dr. Arun Rajaram Janbandhu against Order dated 06.02.2019 passed by Maharashtra Medical Council – reg.	23 rd & 24 th July, 2019
3.	Appeal dated 01.03.2019 filed by Dr. Nishant KumarThawra Chavan against Order dated 06.02.2019 passed by Maharashtra Medical Council – reg.	23 rd & 24 th July, 2019
4.	Appeal dated 27.01.2018 filed by Sh. Ram Singh Raghuwanshi against order dated 29.11.2017 passed by Madhya Pradesh Medical Council - reg. (Appeal -24/2018).	23 rd & 24 th July, 2019
5.	Appeal dated 13.11.2018 filed by Sh. Sunil Kumar against the Order dated 11.09.2018 passed by Haryana Medical Council – reg.	23 rd & 24 th July, 2019
6.	Appeal dated 21.05.2018 filed by Sh. Jeewan Singh Siroya against order dated 03.05.2018 passed by Gujarat Medical Council.	23 rd & 24 th July, 2019
7.	Appeal dated 05.09.2018 filed by Smt. Rekha against Order dated 06.06.2018 passed by Delhi Medical Council – reg.	23 rd & 24 th July, 2019
8.	Report of the Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Mohamed Shoukat Omar, Professor & HOD of Pharmacology appeared in more than one medical college.	23 rd & 24 th July, 2019
9.	Appeal dated 24.09.2018 filed by Dr. Naheed Fatima against order dated 29.08.2018 passed by the Delhi Medical Council – Reg.	23 rd & 24 th July, 2019
10.	Appeal dated 05.11.2017 filed by Dr. Anil Grover against order dated 23.10.2017 passed by Delhi Medical Council – reg.	23 rd & 24 th July, 2019
11.	False Declaration given by D.R. Galfat, for the post of Assistant Professor in the Department of Orthopedics in various MCI inspections in private medical colleges – As forwarded by the UG Section.	23 rd & 24 th July, 2019




12.	Appeal dated 12.03.2019 filed by Smt. Suman Lata against the order dated 12.07.2018 passed by Delhi Medical Council – reg.	23 rd & 24 th July, 2019
13.	Appeal dated 28.05.2019 filed by Sh. Pritam Singh against Order dated 11.03.2019 passed by Delhi Medical Council – reg.	23 rd & 24 th July, 2019
14.	Appeal dated 28.05.2019 filed by Smt. Ritu Rajpal against Order dated 12.04.2019 passed by Maharashtra Medical Council – reg.	23 rd & 24 th July, 2019
15.	Appeal dated 10.06.2019 filed by Ms. Bhumika Poonam Makhija and Ms. Poonam Makhija against order dated 08.05.2019 passed by the Gujarat Medical Council – reg.	23 rd & 24 th July, 2019
16.	Appeal dated 05.06.2019 filed by Smt. Sumona Majumdar against order dated 08.04.2019 passed by the Delhi Medical Council - reg".	23 rd & 24 th July, 2019

31. Notification in media on the Regulation related to advertisement by Doctors

Read: Agenda Note.

Decision:

The BoG observed that this was a good idea and requested for a draft advertisement to be placed before the BoG for its approval.

32. Disposal of consultation sought by the Central Government with respect to appeal filed by Dr. Rakesh Kumar Bhatnagar before the Central Govt. u/s 24(2) of the IMC Act against the decision dated 14.7.2018 of the Delhi Medical Council.

Read: Agenda Note.

The BoG considered letter dt. 16.11.2018 of the Central Govt. regarding appeal filed by Dr. Rakesh Kumar Bhatnagar.

Decision:

The BoG considered the agenda notes and directed that the Ethics Section may submit the compliance of the Court directions, and the decision of BoG in this matter may be communicated to the Ministry of Health & Family Welfare, Govt. of India, New Delhi.

33. Regarding review of suspension of Dr. Davinder Kumar, Joint Secretary (u/s) w.e.f. 09.09.2019.

Read: Agenda Note

U.P.e

Vatm

Decision:

The Board of Governors approved the minutes of the Review Committee meeting dated 21.08.2019 to continue the suspension of Dr. Davinder Kumar, Joint Secretary(U/s) for a further period of 90 days w.e.f. 09.09.2019.

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

34. Regarding review of 1st suspension of Dr. Davinder Kumar, Joint Secretary (u/s) w.e.f. 26.08.2019.

Read: Agenda Note

Decision:

The Board of Governors approved the minutes of the Review Committee meeting dated 21.08.2019 to continue the 2nd suspension of Dr. Davinder Kumar, Joint Secretary(U/s) for a further period of 90 days w.e.f. 26.08.2019.

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

35. Regarding review of suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (u/s) w.e.f. 05.09.2019.

Read: Agenda Note

Decision:

The Board of Governors approved the minutes of the Review Committee meeting dated 21.08.2019 to continue the suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (u/s) for a further period of 90 days w.e.f. 05.09.2019.

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

36. Grant of Grade Pay of Rs. 5400/- to Sh. Bonny Harison, Section Officer, on completion of 04 years regular service as Section Officer.

Read: Agenda Note

Decision:

The Board of Governors decided to constitute the Departmental Promotion Committee with the following members:-

G. P. e

Vatrol

1. Dr. B. N. Gangadhar, Member BoG
2. Dr. K. S. Sharma, Member BoG

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

37. Grant of financial upgradation to Mrs. Maheshwari, Hindi Translator under MACP Scheme – reg.

Read: Agenda Note

Decision:

The Board of Governors approved the minutes/recommendations of the Screening Committee granting financial upgradation under MACP Scheme to Mrs. Maheshwari, Hindi Translator w.e.f. 01.09.2018.

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

38. Appeal filed by Sh. Babu Ram Manuwal against the major penalty of reduction in time scale of pay and grade from Assistant Secretary to Section Officer for a period of three years imposed upon him.

Read: Agenda Note

Decision:

Decision recorded in the concerned file.

The meeting ended with vote of thanks to the Chair.

U.S.

Vatm

Sub:- Representation dated 20.08.2019 of Dr. D. Venkateswara Rao submitted in pursuance of Order dated 16.08.2019 in WP (C) No. 1014/2019 with regard to migration of his daughter Ms. Namrata from Institute of Medical Sciences, BHU, Varanasi to Siddhartha Medical College, Vijayawada.

1 The Board of Governors considered the representation dated 20.08.2019 of Dr. D. Venkateswara Rao submitted in pursuance of Order dated 16.08.2019 in WP (C) No. 1014/2019 with regard to migration of his daughter Ms. Namrata from Institute of Medical Sciences, BHU, Varanasi to Siddhartha Medical College, Vijayawada.

2. The Board of Governors noted that in his representation Dr. D. Venkateswara Rao has inter alia informed that his daughter was granted admission based on her 898 rank in NEET UG in the Institute of Medical Sciences, BHU which is one of the premier Medical Colleges and Hospital of the nation. However, during her 2 day stay at the Institute she had anxiety attack with tremors and breathlessness. Therefore, she was brought down by the parents to Vijayawada and was referred to a Psychiatrist where she was diagnosed with a major depressive episode. He states that she was advised to undergo regular therapy sessions and was recommended to stay away from the stressful environment. Dr. Rao has further stated that as per medical advice, in order to take care of her health, it had become next to impossible for her to continue her education in IMS-BHU Varanasi. It is also stated by him that before reporting to IMS-BHU Varanasi, she had participated in two rounds of Andhra Pradesh State Online Counseling and was allotted Siddhartha Medical College, Vijayawada in both the rounds, which she did not report/join. The third and the subsequent rounds of state online counseling are pending. He has requested the Council to exercise its powers under clause 6 note 2 of the Medical Council of India and grant his daughter Miss Namrata migration from IMS-BHU Varanasi to Siddhartha Medical College, Vijayawada, A.P.

3. The Board of Governors noted that the Hon'ble Supreme Court was pleased to pass the following order on 16.08.19

"The prayer made by the petitioner for participating in the counseling to be held on 27.08.2019 cannot be allowed.

However, learned senior counsel appearing for the petitioner has urged that the petitioner wants migration from Banaras Hindu University to Siddhartha Medical College, Vijayawada, Andhra Pradesh.

U S

Vatn

It is open to the petitioner to pursue the representation is filed to pending consideration, let Medical Council of India consider it expeditiously.

The writ petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of."

4. The Board of Governors noted that the Regulations on Graduate Medical Education, 1997 provides as under:-

6. Migration

(1) *Migration of students from one medical college to another medical college may be granted on any genuine ground subject to the availability of vacancy in the college where migration is sought and fulfilling the other requirements laid down in the Regulations. Migration would be restricted to 5% of the sanctioned intake of the college during the year. No migration will be permitted on any ground from one medical college to another located within the same city"*

(2) *Migration of students from one College to another is permissible only if both the colleges are recognised by the Central Government under section 11(2) of the Indian Medical Council Act, 1956 and further subject to the condition that it shall not result in increase in the sanctioned intake capacity for the academic year concerned in respect of the receiving medical college.*

(3) *The applicant candidate shall be eligible to apply for migration only after qualifying in the first professional MBBS examination. Migration during clinical course of study shall not be allowed on any ground.*

(4) *For the purpose of migration an applicant candidate shall first obtain "No Objection Certificate" from the college where he is studying for the present and the university to which that college is affiliated and also from the college to which the migration is sought and the university to it that college is affiliated. He/She shall submit his application for migration within a period of 1 month of passing (Declaration of result of the 1st Professional MBBS examination) alongwith the above cited four "No Objection Certificates" to: (a) the Director of Medical Education of the State, if migration is sought from one college to another within the same State or (b) the Medical Council of India, if the migration is sought from one college to another located outside the State.*

(5) *A student who has joined another college on migration shall be eligible to appear in the IIInd professional MBBS examination only after attaining the*

VJ

Vatm

minimum attendance in that college in the subjects, lectures, seminars etc. required for appearing in the examination prescribed under Regulation 12(1)

Note-1: The State Governments/Universities/Institutions may frame appropriate guidelines for grant of No Objection Certificate or migration, as the case may be, to the students subject to provisions of these regulations.

Note-2: Any request for migration not covered under the provisions of these Regulations shall be referred to the Medical Council of India for consideration on individual merits by the Director (Medical Education) of the State or the Head of Central Government Institution concerned. The decision taken by the Council on such requests shall be final.

Note-3: The College/Institutions shall send intimation to the Medical Council of India about the number of students admitted by them on migration within one month of their joining. It shall be open to the Council to undertake verification of the compliance of the provisions of the regulations governing migration by the Colleges at any point of time.

5. The Board of Governors noted that the Ms. Namrata had joined the Institute of Medical Sciences and was a student of First Professional in that College. She had, as her father Dr. D. Venkateswara Rao has stated anxiety attack with tremors and breathlessness, because of which instead of getting her treated by the Doctors at IMS, BHU, the parents had decided to shift her to Vijayawada for further treatment. The representation forwarded by the Dr. D. Venkateswara Rao does not contain any medical reports or prescription whatsoever regarding the condition of his daughter and the treatment rendered by Family Physician and Psychiatrist at Vijayawada.

6. The Board of Governors further noted that the Regulation 6(3) of the Graduate Medical Education Regulation, 1997 does not permit the migration of a student in the First Professional. Note 2 of the Regulation 6 of Regulation on Graduate Medical Education does not empower the Council to consider request for migration by diluting the norms of clause 6(3) which prohibits migration in First Professional.

7. The Board of Governors noted that the Hon'ble Supreme Court in its judgment dated 12.09.13 in Manohar Lal Sharma vs. MCI and Ors. [WP (C) No. 590 of 2013] has held as under:

U-2

Vatn

17. The requirements are statutorily prescribed and, therefore, the Board of Governors has no power to dilute the statutory requirements in the above mentioned Regulations.

8. Keeping in view the statutory requirement that migration before first professional is not permissible and the aforesaid observations of the Hon'ble Supreme Court, the Board of Governors unanimously decided that the request of migration of Ms. Namrata, recently admitted in IMS, BHU Varanasi to Siddhartha Medical College, Vijayawada cannot be approved. Further, the Board of Governors decided that the parents may approach the IMS-BHU authorities to provide the requisite medical support to their student, to ensure that she is able to cope up with the grueling studies that a medical student is required to undergo. As and when any such request is received by the IMS Authorities from Ms. Namrata the College Authorities are advised to ensure that it is attended promptly with full care so that she can pursue her education in a healthy state.

9. With this the representation dated 20.08.18 filed by Dr. D. Venkateswara Rao seeking migration of his daughter from Institute of Medical Sciences, BHU, Varanasi to Siddhartha Medical College, Vijayawada stands disposed of.



Vatna