

MEDICAL COUNCIL OF INDIA
NEW DELHI

Minutes of the meeting of the Board of Governors held on 17.10.2011 at 10.00 a.m. in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi-110077.

Following members were present:

1.	Dr. K.K. Talwar	Chairman, Board of Governors
2.	Dr. (Prof) K.S. Sharma	Member, Board of Governors
3.	Dr. (Prof.) H.S. Rissam	Member, Board of Governors
4.	Dr. Purshotam Lal	Member, Board of Governors
5.	Dr. Rajiv Chintaman Yeravdekar	Member, Board of Governors
6.	Dr. Ashok Kumar Gupta	Member, Board of Governors
7.	Dr. K Mohandas	Member, Board of Governors
8.	Dr. (Prof) Sangeeta Sharma	Secretary, Member Secretary, BOG meeting.
9.	Dr. P. Prasannaraj	Addl. Secretary

1. Minutes of the BOG's meetings dated 10.10.2011 – Confirmation of.

The Board of Governors confirmed the minutes of the meeting held on 10.10.2011.

2. Action taken on the minutes of the meeting held on 26.09.2011 and 03.10.2011.

The board directed to the council to present the action report on the various minutes of the BOG held till 10.10.2011.

3. Legal Matters:

(i) Common Judgment of the Hon'ble High Court of Delhi.

- a) LPA No.816/2011 – Medical Council of India Vs. School of Medical Sciences & Research, Sharda Educational Trust & Ors. in the High Court of Delhi at New Delhi.
- b) LPA No.819/2011 – Medical Council of India Vs. Teerthankar Mahaveer Institute of Management & Anr. in the High Court of Delhi at New Delhi.
- c) LPA No.820/2011 – Medical Council of India Vs. Rama Medical College Hospital & Research Centre, Kanpur & Anr. in the High Court of Delhi at New Delhi.

The Board of Governors perused the common judgment of the Hon'ble High Court. The Board of Governors directed that a special leave petition be filed in the Hon'ble Supreme Court challenging the common judgment of High Court of Delhi in the cases entitled above.

The Board further considered the operative part of the judgment of the Hon'ble High Court that reads as under:-

“ 37. We clarify that the mandamus issued would be read as a declaration of the entitlement of the writ petitioners to seek increase in the admission capacity from 100 seats to 150 seats in the MBBS course run by them coupled with a direction that the Board of Governors would process the matter further with reference to the inspection reports and such other relevant matters and take a final decision. So clarifying/correcting the impugned decision, we require the Board of Governors to take a final decision on merits within a week from today by treating the writ petitioners eligible

to seek enhancement of seats from 100 to 150 in the MBBS Course pertaining to the current academic year and if it is found that the writ petitioners are entitled to increase the seats in view of they having met the requisite criteria in terms of infrastructure etc. to pass the necessary orders. However, the respondents would not proceed to go ahead with any counseling and fill up the seats in view of the fact the Supreme Court has prohibited any admission to an MBBS Course after 30th September each year and for which we observe that the respondents would be entitled to student counseling only if they obtain permission from the Supreme Court to admit further students in the current year. If such permission is not granted by the Supreme Court, the decision, if favourable to the respondents would be treated as a permission to have an intake of 50 additional students in the next academic year i.e. the academic year 2012-2013.”

In view of the above, the Board further directed that the Letter of Permission may be issued to the 3 medical colleges subject to the outcome of SLP by the afternoon of 19.10.2011 in order to ensure compliance with the directions of the Hon’ble High Court.

- (ii) **WP© No.385/2011– ICARE Instt. of Medical Sciences & Research & Ors. Vs. State of West Bengal & Ors. in the Supreme Court of India.**

The Hon’ble Supreme Court vide its order dated 12.10.2011 had inter-alia held:-

“By order dated 28.9.2011, we had directed the Medical Council of India (MCI) and Dental Council of India (DCI) to hold a joint inspection after due notice to the University and the College, as there was a dispute as to whether the Medical College & Dental College had separate and distinct buildings and campuses or were functioning from the same building.

The MCI and DCI have now filed a joint report dated 8.10.2011 (reduced with affidavit dated 10.10.2011 of the MCI) stating that the main Building No. 1 has both Medical College departments as well as Dental College Departments. It is also stated that staff quarters, girls hostel, boys hostels and canteen are common for Medical and Dental College. Learned Council for the petitioner wanted to file a response to the Joint Report.

We find that MCI and DCI have given letter of intent/letter of permission to the institution. If there is any irregularity, it is always open to the MCI and DCI to take action in accordance with law.”

In the light of aforesaid directions of the Hon’ble Supreme Court the Board reviewed all the assessment reports including the combined report submitted by the MCI and DCI following their assessment on 08th&09thOctober2011 and decided to issue show cause notice to the college authorities for the various deficiencies/irregularity identified by the assessors including the fact that many departments of Dentistry were found functioning in the medical college. Further in the light of the Hon’ble Court’s order, the Board directed the Council to seek from the university authorities the current status of the affiliation provided by the university and the decision of the State Government authorities with regard to Essentiality Certificate issued to the college.

- (iii) **SCA No.14679/2011 – The Parents Association for Medical, Dental & Paramedical Students Vs. UOI & Ors. in the High Court of Gujarat at Ahmedabad.**

The petitioner’s have inter-alia challenged before the Hon’ble High Court of Gujarat the admission notice no. 3/2011 of the All India Instt. Of Medical Sciences, New Delhi regarding entrance examination for AIIMS – PG/Post Doctoral courses – January, 2012 session the petitioners have prayed for permanent restrain as regards

AIIMS from holding entrance test in view of the All India National Eligibility cum entrance test.

The Board directed that in the response that aforesaid matter by the MCI it be submitted for the Hon'ble Court that AIIMS is governed by AIIMS Act, 1956 and it is not within the purview of the IMC Act, 1956.

4. Review and finalization of Assessment process pertaining to Undergraduate Section.

The board of Governors reviewed the following components of the assessment process pertaining to Undergraduate Section:

- (i) Declaration Forms
- (ii) Assessment Forms A I and All
- (iii) Form C
- (iv) Standard Operating Procedure (including Time Schedule)
- (v) Assessor's Guide
- (vi) Assessor Bank

The Board was apprised of the number of applications received. Time schedule for the processing of applications was approved. Declaration form was finalized with some corrections. As regards revised assessment forms it was decided to include only information as per current MSR only. Revised assessment forms to be circulated to all the BOGs for finalization in the next meeting. It was informed that assessment Form AI contained information as per MSR to be provided by the college authorities and Form All for information to be collected and verified by the assessors. Assessor Guide and Standard Operating Procedures for processing of applications for establishment of new medical college, renewal of permission and increase intake was presented and approved.

Regarding assessor bank it was decided to remove the names of the assessors who have repeatedly refused to go for inspection or had been problematic. It was noted that some assessor had been repeatedly going for assessment whereas many went for one assessment only. Considering the number of assessments to be carried it was decided that in this academic year one assessor can be appointed for maximum of three assessments. List of assessors who have visited more than 6 times to be maintained separately whose services could be utilized as and when necessary. It was also decided that assessor names will be drawn using the software.

Dr. Purshotam Lal, Member BOG co-incharge UG section suggested that one assessor from NABH should also be a part of the assessor team and financial matters of the new applications should also be reviewed by the chartered accountant/accountant and land documents to be evaluated by the architect/draft man. Composition of assessors team was discussed and it was decided to continue with the existing system of drawing assessors from medical colleges only.

5. Approval of minutes of the Ethics committee meeting held on 23.08.2011

The Board reviewed the Minutes of Ethics committee held on 23.08.2011 and approved the same.

6. Further progress after 10.10.2011 regarding NEET – UG/PG status.

Progress after 10.10.2011 regarding NEET – UG/PG as submitted by Prof. Srinivas Mantha, Consultant Examination, MCI

1. Detailed letter vide No. MCI-18(1)-2010-Med/40308 dated 17th October 2011 was sent to the Secretary, Ministry of Health and Family Welfare, Govt. of India on 17th October 2011 and was delivered on the same day.
2. Letter vide No. MCI-18(1)-2010-Med/40733 dated 18th October 2011 enclosing the Amendment in the Regulations on Graduate Medical Education Regulations, 1997 – National Eligibility-cum-Entrance Test (NEET) for admission to MBBS course (NEET-UG) across the country was sent to the Secretary, Ministry of Health and Family Welfare, Govt. of India on 19th October 2011 and was delivered on the same day.
3. Letter vide No. MCI-18(1)-2010-Med/40734 dated 18th October 2011 enclosing the Amendment in Postgraduate Medical Education Regulations, 2000 – National Eligibility-cum-Entrance Test (NEET) for admission to postgraduate (MD/MS/Diploma) courses (NEET-PG) across the country was sent to the Secretary, Ministry of Health and Family Welfare, Govt. of India on 19th October 2011 and was delivered on the same day.
4. Consultant (Examinations), MCI, discussed with Chairman, CBSE in his office on 12th October 2011 and explored the possibility of CBSE handling the logistics (identification of centers across the country and delivery of confidential material to exam centers) should other components such prospectus, application processing, printing of question booklets & OMR answer sheets, and OMR processing be handled at a dedicated cell at Nizam's Institute of Medical Sciences, Hyderabad, India. He said he would discuss with his concerned staff at CBSE and will get back.
5. In the meantime, a meeting was held on 17th October 2011 at Ministry of Health & Family Welfare, Government of India under the chairmanship of Hon'ble Minister of Health & Family Welfare, Government of India, Mr. Gulam Nabi Azad. The meeting was attended by the following:
 - a. The Board of Governors of MCI and consultant examinations, MCI.
 - b. Director of AIIMS (represented by In-charge examinations and Sub-dean)
 - c. Directors of PGI, Chandigarh and JIPMER, Pondicherry
 - d. Officials from Ministry of Health & Family Welfare, Government of India (Secretary and Joint Secretary (HR))
 - e. Members from DGHS

In the meeting, the proposal of decision of Board of Governors about the conduct of NEET-PG in 2012 was proposed. It was also brought to the attention of the Chairman, that an affidavit was filed by MCI in Hon'ble Supreme Court in 380(`C) of 2009 titled as Simran Jain vs Union of India that NEET-PG will be conducted in Jan/Feb 2012 and that the information about NEET-PG being scheduled for Jan/Feb 2012 was placed on MCI website. However, the proposal was rejected and it was decided not to have NEET-PG in 2012. Instead, it was proposed to take the services of National Board of Examinations (NBE) to conduct NEET-PG in 2013 after discussing with Chairman CBSE.

6. Meeting was held in the office chambers of Hon'ble Minister of Health & Family Welfare, Government of India under the Chairmanship of Hon'ble Minister of Health & Family Welfare, Government of India, Mr. Gulam Nabi Azad. The meeting was attended by the following:
 - a. The Board of Governors of MCI (Prof. K.K. Talwar, Prof. H.S. Rissam, Dr. Rajiv C. Yeravdekar) and consultant examinations, MCI (Prof. Srinivas Mantha)
 - b. Officials from Ministry of Health & Family Welfare, Government of India (Secretary and Joint Secretary (HR))
 - c. Chairman, CBSE

The matter of conducting NEET-PG in 2013 while taking services of NBE was discussed. The Chairman of NBE indicated that he would discuss the matter in his Governing Body meeting and get back.

7. **Complaint against Subharti Medical College, Meerut regarding irregularities in the admission process and demanding of capitation fees.**

This item was deferred for subsequent meeting.

8. **To maintain Uniformity in the teaching cadres in all the Government Medical Colleges as well as Private Medical Colleges across the Country.**

This item was deferred for subsequent meeting.

9. **Matter with regard to supply of alleged forged/fake information/certificate in/with the declaration forms submitted to the MCI by Dr. Venkatesan J. Medical Teacher.**

This item was deferred for subsequent meeting.

10. **Matter related to internal assessment marks and minimum qualifying marks in various subjects – as request received from Vice Chancellor, Chattarpati Sahuji Maharaj University, Lucknow, Uttar Pradesh**

This item was deferred for subsequent meeting.

(Dr.P.Prasannaraj)
Addl. Secretary, MCI

(Dr. (Prof.) Sangeeta Sharma)
Secretary, MCI

(Prof. K.S. Sharma)
Member BOG

Dr. (Prof.) H.S. Rissam
Member, BOG

(Dr. Purushotham Lal)
Member, BOG

Dr.Rajiv Chintaman Yeravdekar
Member, BOG

(Dr. Ashok Gupta)
Member, BOG

(Dr. (Prof.) K Mohandas)
Member, BOG

(Dr.K.K.Talwar)
Chairman