

No.MCI-5(3)/2003-Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Wednesday, the 28th July, 2004 at 11.00 a.m. in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi –2 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

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Present:

Dr.P.C. Kesavankutty Nayar]President (Acting)]Former Dean,]Govt. Medical College,]Trivandrum
Prof. P.N.Tandon]Former Prof. & Head of Neuro-]Surgery, A.I.I.M.S, New Delhi and]Member, Adhoc Committee]appointed by the Hon'ble Supreme]Court
Dr.D.K. Sharma]Former Prof. & Head]Deptt. of Paediatrics]LLRM Medical College]Meerut.
Dr. P.K. Sur]Professor of Radio-therapy,]Medical College,]Kolkatta.
Dr. Mukesh Kr. Sharma]General Surgery]D-56, Chamu House]C-Scheme,]Jaipur
Dr. Ajay Kumar]Consultant Urologist,]Palm View Hospital,] Ambedkar Path,] Patna
Lt.Col. (Retd.) Dr. A.R.N. Setalvad	- Secretary

Apologies for absence were received from Prof. N. Rangabashyam & Dr. S. Kantha , Members, Adhoc Committee and Dr. G.B. Gupta, Dr. Nitin Vora, Dr. K.S. Chugh, & Dr. V.K. Puri, Members, Executive Committee.

1. **Minutes of the Executive Committee meeting held on 2nd July, 2004 – Confirmation of.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council confirmed the minutes of the meeting of the Executive Committee held on 02nd July, 2004.

2. **Minutes of the last meetings of the Executive Committee – Action taken thereon.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the action taken on the various items included in the minutes of the Executive Committee meeting held on 2nd July, 2004.

3. **Pending Items arising out of the decisions taken by the Executive Committee.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the list of pending items arising out of the decisions of the Executive Committee.

4. **Amala Institute of Medical Sciences, Thrissur – Renewal of permission for admission of 2nd batch of students for the academic session 2004-2005 – ratification of the decision taken by the president (Acting) as authorised by the Executive Committee and the members of the Adhoc committee.**

Read: The Council Inspectors report (16th July, 2004) for renewal of permission for admission of 2nd batch of students for the academic session 2004-2005 at Amla Institute of Medical Sciences, Thrissur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council ratified the decision taken by the President (Acting) to recommend to the Central Govt. to renew the permission for admission of 2nd batch of students for the academic session 2004-05.

5. **Basaveshwara Medical College & Hospital, Chitradurga – Renewal of permission for admission of students for the academic session 2004-2005 (2nd batch).**

Read : The Council Inspectors report (24th July, 2004) for renewal of permission for admission of fresh batch of students for the academic session 2004-2005 at Basaveshwara Medical College, Chitradurga.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

“(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester

starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”

(6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*

(6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

*"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE*

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>
<i>Declaration of Result of Qualifying Exam./ Entrance Exam.</i>	<i>By 5th June</i>	<i>By 15th June</i>
<i>1st round of counselling/ admission</i>	<i>To be over by 30th June</i>	<i>To be over by 25th July</i>
<i>Last date for joining the allotted College and Course</i>	<i>Within 15 days from the date of allotment of seat @@</i>	<i>31st July</i>
<i>2nd round of counselling for allotment of seats from Waiting List</i>	<i>To be over by 8th August</i>	<i>Upto 28th August</i>
<i>Last date for joining for candidates allotted seats in 2nd of counselling from the Waiting List</i>	<i>Within 15 days from the date of allotment of seat (Seats vacant after 22nd August will be surrendered back to the States/ Colleges)</i>	<i>31st August</i>
<i>Commencement of academic session</i>	<i>1st of August</i>	
<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>	
<i>NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July</i>		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of

each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

- “.....8. *Time Schedule for completion of the admission process*
- 8.1 *The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-*
- i) *there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
 - ii) *even, if seats are unfilled that cannot be a ground for making mid session admissions;*
 - iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
 - iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
 - v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
 - vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
 - vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*
- 8.2 *In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.*
- 8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*
- 8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having*

obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

- 8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year

2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for admission of students for the academic session 2004-2005 at Basveshwara Medical College & Hospital, Chitradurga on 8th & 9th June, 2004 . The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 5.7.2004 were informed that they should remove all the deficiencies latest by 9.7.2004 enabling the Council to make its recommendations to the Central Govt. by 15.7.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9844 & 9845

Date : 5/7/04

To

The Dean/Principal,
Basveshwara Medical College & Hospital,
SJM Campus,
Chitradurga-577502.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after

30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
<p>Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.</p> <p>(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.</p>		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council upon considering of the inspection report carried out by the Council inspectors on 24th July, 2004 noted that the following deficiencies still exist:-

1. The shortage of teaching staff is as under :-

a) The shortage of teaching faculty is 74.3%

- | | |
|--------------------------|--|
| i) Professor | : 13 (Anatomy-1, Biochemistry-1, Microbiology -1, Pharmacology -1, Forensic Medicine-1, Community Medicine-1, General Medicine -1, Paediatrics-1, Orthopaedics -1, ENT -1, Ophthalmology -1, Radio -diagnosis -1, Anaesthesia -1) |
| ii) Associate Professor | : 20 (Anatomy -2, Physiology -1, Biochemistry -1, Pathology-2, Microbiology -1, Pharmacology -1, Forensic Medicine -1, Community Medicine -1, General Medicine -2, TB & Chest -1, Dermatology -1, Psychiatry -1, General Surgery -1, ENT -1, Obst. & Gynac. -1, Radio-diagnosis -1, Dentistry-1) |
| iii) Assistant Professor | :21 (Anatomy-3, Microbiology-1, Pharmacology -2, Forensic Medicine -1, Community Medicine -4, TB& Chest -1, Dermatology -1, Psychiatry-1, Paediatrics-2, General Surgery -2, Orthopaedics -2, Ophthalmology -1) |

b) The shortage Resident is 96%

- i) Sr. Resident : 22 (General Medicine -4, TB & Chest -1, Dermatology -1, Psychiatry -1, Paediatrics -1, General Surgery -4, Orthopaedics -2, ENT -1, Ophthalmology -1, Obst. & Gynac. -2, Radio -diagnosis -3, Dentistry -1)
- ii) Jr. Resident : 51 (General Medicine -12, TB & Chest -3, Dermatology -3, Psychiatry -3, Paediatrics -6, General Surgery -12, ENT -3, Ophthalmology -3, Gynac. -6)

2. Available Clinical material is inadequate as under :-

	Daily Average		Day of Inspection	
O.P.D. attendance	450-550		510	
Casualty attendance	8-15		12	
Bed occupancy%	80-90		89	
Operative work	00-05 05-07 02-03 00-02		02	
Number of major surgical operations				
Number of minor surgical operations				
Number of normal deliveries				
Number of caesarian Sections				
<u>Radiological Investigations</u>	OP	IP	OP	IP
X-ray	10-15		10	
Ultrasonography	12-14		04	
Special Investigations	01-02			
C.T. Scan	01			
<u>Laboratory Investigations</u>				
Biochemistry	140	15	159	14
Microbiology	60	18	76	07
Serology	55	15	67	05
Parasitology				
Haematology	250	25	276	12
Histopathology	05	01	04	
Cytopathology	08	05	07	01
Others	-	-	-	-

- Basaveshwara Hospital and Research Centre which is affiliated to the college has 329 teaching beds.
- Full time Veterinary Surgeon appointed but not available. Operative facilities are yet to be developed.
- Further increase of the clinical material is desirable.
- No Lecturer cum Medical Officer having M.D. (PSM) is posted. Delivery services are not available.
- Hostel accommodation is inadequate, as it is available only for 149 students against 350 required. Residents hostel capacity of 16 only against 100 required. No hostel is available for nurses.
- Bed numbering is done without displaying of the unit and the specialty.
- Ward does not have other facility like demonstration room, faculty room ward side labs.
- In OPDs, there are no teaching areas and teaching aids available.
- Audiometry room not available as per norms.
- The wards are not organised as per norms.
- Facilities are inadequate of Teaching in wards and Nursing stations.
- Clinical lab - each section is having few required equipment.
- Radiological facilities and work load are not satisfactory.
- OPD registration is not computerised.
- ICD X Indexing not followed.
- No bowl sterilizer, no Glove inspection machine and no instrument washing machine in CSSD. No racks, no trays and no mixers are available.
- There is no kitchen available in the hospital. There is no provision to supply special diet as recommended by Physician. Per Capita expenditure per day is Rs. Nil.
- Services of dietician is not available.

21. Nursing Staff is grossly inadequate as under :-

Nursing Suptd. -2
Deputy Nursing Suptd. - 2,
Matron - 2
Staff Nurses - 122

22. Clinical Side labs are not available in wards.

23. Distribution of teaching beds are deficient as under :-

Specialty	Required Beds/Units	Present Beds/Units	Deficiency
Medicine & Allied Specialties			
General Medicine	102	90	12
Paediatrics	60	38	22
TB & Chest	15	10	05
Skin & VD	9	04	05
Psychiatry	9	04	05
Total	195	146	49
Surgery & Allied Specialties			
General Surgery	100	79	21
Orthopaedics	60	32	28
Ophthalmology	18	12	06
ENT	18	12	06
Total	196	146	61
Obstetrics & Gynaecology			
Obstetrics & ANC	36	32	04
Gynaecology	23	16	07
Total	59	48	11
G. Total	450	329	121

24. Other deficiencies/remarks are in the main report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew of Permission for admission of fresh batch of students for the academic year 2004-05 at Basveshwara Medical College & Hospital, Chitradurga.

6. Ruxmaniben Deepchand Gardi Medical College, Ujjain – Renewal of permission for admission of 4th batch of students during the year 2003-2004.

Read : The Council Inspectors report (24th July, 2004) for renewal of permission for admission of 4th batch of students during the year 2003-2004. at Ruxmaniben Deepchand Gardi Medical College, Ujjain.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the

MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

*"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE*

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>
<i>Declaration of Result of Qualifying Exam./ Entrance Exam.</i>	<i>By 5th June</i>	<i>By 15th June</i>
<i>1st round of counselling/ admission</i>	<i>To be over by 30th June</i>	<i>To be over by 25th July</i>
<i>Last date for joining the allotted College and Course</i>	<i>Within 15 days from the date of allotment of seat @@</i>	<i>31st July</i>
<i>2nd round of counselling for allotment of seats from Waiting List</i>	<i>To be over by 8th August</i>	<i>Upto 28th August</i>
<i>Last date for joining for candidates allotted seats in 2nd of counselling from the Waiting List</i>	<i>Within 15 days from the date of allotment of seat (Seats vacant after 22nd August will be surrendered back to the States/ Colleges)</i>	<i>31st August</i>
<i>Commencement of academic session</i>	<i>1st of August</i>	
<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>	

NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly

abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list.

They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble

Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt.of

India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for admission of 4th batch of students for the academic session 2004-2005 at Ruxmaniben Deepchand Gardi Medical College, Ujjain on 19th & 20th April, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 5.7.2004 were informed that they should remove all the deficiencies latest by 9.7.2004 enabling the Council to make its recommendations to the Central Govt. by 15.7.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9844 & 9845

Date : 5/7/04

To

The Dean/Principal,
R.D. Gardi Medical College, Surasa,
Ujjain-1 - 456 006
Madhya Pradesh

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges

established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

**SCHEDULE FOR RECEIPT OF APPLICATIONS FOR
ESTABLISHMENT OF NEW MEDICAL COLLEGES AND
PROCESSING OF THE APPLICATIONS BY THE CENTRAL
GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA**

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
<p>Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.</p> <p>(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.</p>		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council upon considering of the inspection report of the inspection carried out by the Council inspectors on 24th July, 2004 noted that the following deficiencies still exist:-

1. The shortage of teaching staff is as under:-

(a) The shortage of teaching faculty is 10 out of 119 as under:

- i) Professor -3 (1 - Microbiology, 1-PSM, 1 - Radio-diagnosis)
- ii) Associate Professor -6 (1- Anatomy, 1-Physiology, 1 - Biochemistry, 1- TB & Chest, 1- Psychiatry, 1- General Surgery)
- iii) Tutor -1 (Pharmacology)

b) The following Professors are not qualified due to lack of adequate teaching experience required as per Council norms:-

- 1. Dr. A. V. Mutalkar – Surgery

c) The following Associate Professors are not qualified due to lack of adequate teaching experience as per Council norms :-

1. Dr. G. Vyas – Medicine
2. Dr. M. L. Verma – Community Medicine
3. Dr. Arjun Asurddin - Anaesthesia

d) The following Asst. Professors are not qualified due to lack of adequate teaching experience as per Council norms :-

1. Dr. Yogesh Gautam – Surgery
2. Dr. Shylendra Sharma – Surgery
3. Dr. T. L. Patidar – Paediatrics
4. Dr. S. K. Rathi – Paediatrics
5. Dr. L. Suresh Babu – Microbiology
6. Dr. Shiva Swami - Community Medicine
7. Dr. Rishi Diwan - Pathology

e) In view of above, the shortage of teaching faculty is more than 15%.

f) The following Senior Residents are not qualified due to lack of adequate experience as per Council norms :-

1. Dr. Amit Bhargava – Medicine
2. Dr. Janu Parvez – Medicine
3. Dr. Ashish Sharma – Medicine
4. Dr. S. Kulshreshtha – OBG
5. Dr. Ruchi Jaiswal – OBG
6. Dr. Krishna Mureri – Surgery
7. Dr. Chintal Singh – Paediatrics
8. Dr. Jagdish Chander – Paediatrics
9. Dr. Sanjay Bhoreskar – Chest & TB
10. Dr. Shital Shetty – Skin & VD
11. Dr. Akhilesh Aggarwal – Skin & VD
12. Dr. Vasudev Majumdar – ENT
13. Dr. M. K. Jain – Anesthesia
14. Dr. Harish Mangal – Anesthesia
15. Dr. P. S. Raghunath – Orthopaedics
16. Dr. Sahid Hussain - Orthopaedics
17. Dr. R. K. Purohit - Psychiatry

g) 1). There is a variation in salary of Dr. T. L. Patidar, Asst. Professor, Deptt. Of Paediatrics. He has been paid salary in January only Rs. 161/- and in February only Rs. 690/-, which is not commensurate with the Designation being dismally low.

2) There is disparity between salary statement and TDS Certificate of Dr. Kirti Despandey, Deptt. Of Community Medicine.

h) Some of the Tutors are above the age of 60 yrs, for example, as shown below :-

1. Dr. Ramesh Chander Khanjuram – Surgery – 64 yrs.
2. Dr. V. Mazumdar - ENT – 60 yrs.

i) The ratio of non-medical staff in the Department of Microbiology is more than 50%.

2. Available clinical material is inadequate as under: -

	Daily Average	Day of Inspection
O.P.D. attendance	575	243

Casualty attendance	5	21
Bed occupancy%	62.5	58
Operative work		
Number of major surgical operations	5	3
Number of minor surgical operations	6	2
Number of normal deliveries	1-2	2
Number of caesarian Sections	1-2	0-1
<u>Radiological Investigations</u>		
X-ray	57	45
Ultrasonography	24	13
Special Investigations	2	1
C.T. Scan	10	4
<u>Laboratory Investigations</u>		
Biochemistry	82.5	95
Microbiology	67.14	6
Serology	9.3	14
Parasitology	-	0
Haematology	123.8	111
Histopathology	9	02
Cytopathology	2	2
Others	60	-

Clinical Material is still inadequate. In the laboratory investigations more have to be done to improve the quality of work.

3. Average OPD attendance for both the hospitals is 575 which is inadequate.
4. The investigation both the hospitals daily average x-ray - 57, Ultrasound -24, SP investigations -2, CT Scan -10.
Histopathology and Biochemistry investigations are 9 and 82.5 daily average respectively.
5. One room in the operation Theatre complex is available for CSSD purposes where one vertical and one horizontal autoclave are present. No other facilities available.
6. The ICU in both the hospitals are available with minimum equipments
7. License to run the blood bank after year 2002 is not available.
8. Blood Bank in the new hospital is non functional.
9. Veterinary Officer is not available.
10. Ground floor work in RHTC is completed and no facilities are available. Separate blocks for accommodating boys and girls and messing facilities, lecture hall cum seminar room are not available. No audio visual aids are provided in the RHTC. Investigative facilities are not available. Staff as prescribed under the norms to be appointed.
11. Clinical demonstration rooms are not available in most of the wards. There is no ramp or lift for the transfer of patients from ground floor to other floor is not available till today.
12. In the newly arranged casualty no equipments are available.
13. In the Anatomy department, the specimens are not yet arranged system wise.
14. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew of Permission for admission of 4th batch of students for the academic year 2004-05 at Ruxmaniben Deepchand Gardi Medical College, Ujjain.

7. K.J. Somaia Medical College & Research Centre, Mumbai – Renewal of permission for admission of 4th batch of students against the increased intake from 50-100 for the academic session 2004-2005.

Read : The Council Inspectors report (24th July, 2004) for renewal of permission for admission of 4th batch of students against the increased intake from 50-100 for the academic session 2004-2005 at K.J. Somaia Medical College & Research Centre, Mumbai.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E*”
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central</i>	<i>Seats filled up by</i>
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	<i>Govt. through All India Entrance Examination</i>	<i>the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>
<i>Declaration of Result of Qualifying Exam./ Entrance Exam.</i>	<i>By 5th June</i>	<i>By 15th June</i>
<i>1st round of counselling/ admission</i>	<i>To be over by 30th June</i>	<i>To be over by 25th July</i>
<i>Last date for joining the allotted College and Course</i>	<i>Within 15 days from the date of allotment of seat @@</i>	<i>31st July</i>
<i>2nd round of counselling for allotment of seats from Waiting List</i>	<i>To be over by 8th August</i>	<i>Upto 28th August</i>
<i>Last date for joining for candidates allotted seats in 2nd of counselling from the Waiting List</i>	<i>Within 15 days from the date of allotment of seat (Seats vacant after 22nd August will be surrendered back to the States/ Colleges)</i>	<i>31st August</i>
<i>Commencement of academic session</i>	<i>1st of August</i>	
<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>	
<i>NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July</i>		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. *Time Schedule for completion of the admission process*

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*

- iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 *In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.*

8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*

8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.*

8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & The issue pertaining to the change in the last date of

29.10.2003

MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble

Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.

- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR

University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for renewal of permission for admission of students against the increased intake i.e. 50 –100 on 15th & 16th June, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9844 & 9845

Date : 5/7/04

To

The Dean/Principal,
K.J. Somaiya Medical &
Research Centre, Somaiya Ayurvihar Complex,a
Eastern Highway, Sion,
Mumbai-400 022.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for

new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W., Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central	15 th March

	Government by the Medical Council of India for consideration for issue of Letter of Permission	
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
<p>Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.</p> <p>(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.</p>		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council upon considering of the inspection report of the inspection carried out by the Council inspectors on 24th July, 2004 noted that the following deficiencies still exist:-

1. The shortage of teaching faculty is more than 15% as under:-
 - i) Professor – 3 (Biochemistry –1, Microbiology-1, Dentistry –1)
 - ii) Assoc. Prof. – 7 (Anatomy –1, Physiology-1, Pathology –2, Forensic Medicine –1, Medicine-1, Orthopaedics-1)
 - iii) Assistant Professor – 6 (Anatomy –3, Physiology-1, Pharmacology-1, Dentistry –1)
 - iv) Tutor – 15 (Physiology-2, Pathology-6, Microbiology-1, Pharmacology-4 Community Medicine –2)
2. Clinical material is grossly inadequate as under: -

	Daily CR Gardi Average UCTH	Day of Inspection		
O.P.D. attendance	579	330		
Casualty attendance	56.2	30		
Bed occupancy%	75.16%	72%		
Operative work				
Number of major surgical operations	13	1		
Number of minor surgical operations	9	6		
Number of normal deliveries	4	3		
Number of caesarian Sections	1.2			
<u>Radiological Investigations</u>	O.P	I.P	O.P	I.P.
X-ray	46.2	26.2	28	
Ultrasonography	8	32	2	8
Special Investigations	0.8	-	1	-
C.T. Scan				
<u>Laboratory Investigations</u>				
Biochemistry	107	82	38	42
Microbiology	0.6	8.4	1	5
Serology	14	7	11	6
Parasitology	3	-	1	1
Haematology	123	91.4	30	17
Histopathology	0.4	5	1	2
Cytopathology	3	2	2	1
Others	3			

3. OPD needs more space. Space provided to each speciality is inadequate. By and large all OPDs are located in one central room where two or three consultants can sit and take history of the patients and there are 3 to 4 small cabins for examination of patients. There is no privacy to the patient while taking history.
4. Wards:-ward for female patients is a big hall which is divided by incomplete partitions to make General Medicine ward, T.B. Ward. Patients and patients relative can freely from one place to another in these wards. There is no psychiatry ward for female patients. Toilet facilities are also common more or less, same arrangements are seen for male patients.
5. Departmental Library of ENT, Ophthalmology and psychiatry are still housed in the OPD.

6. Auditorium located at a distance of 1 ½ Kms. Away in the building of the information Technology College which is owned by the trust. It has 600seats.
7. Veterinary Officer on part time.
8. There is no hostel facility available in the college campus for the undergraduates.
 - i) Boys Hostel is located about 2 kms away from the college in a building which is owned by the same Management. There are 16 triple seated rooms. Total accommodation is 48.
 - ii) Girls Hostel:- There is girl hostel at Vidyavihar which is 4 kms away from the college. There are 12 triple seats room. Total accommodation available is 36.
 - iii) Therefore total accommodation available for undergraduate student is 84 as against the requirement of 400.
 - iv) Intern Hostel:- on the 7th floor of I.T. building ½ km. Away from the college. Six triple seated and six double seated rooms are available. Total accommodation available is 30 against the requirement of 100.
 - v) There is no separate hostel for Nursing staff working in the hospital. However, on the 4th floor of the hospital 3 rooms are reserved for 8 to 9 nurses for night duty.
9. Residential quarters for the faculty. Only 3 flats are available in Harshad Apartments located 1/2kmaway from the college. No other accommodation is available. No accommodation for class II & IV employees.
10. Medicine Unit I is having 2 Senior teachers as against the requirement of 3.
11. Central Casualty Services – total 12bedsare available in casualty area against requirement of 20.
12. Casualty OT needs airconditioning.
13. ICU is common for medical, surgical and cardiac patients. There is no separate ICCU.
14. CT scan is not available. Technicians and residents were found working without dosimeter, which is not as per BARC norms.
15. Central Sterilization Deptt. receiving and distribution points are notseparate.
16. There is no cooling cabinet in Anatomy department.
17. In Pharmacology Department experimental Pharmacology laboratory has capacity of 40 seats.
18. In Pathology – there is 1 demonstration room with capacity of 30 seats which is inadequate.
19. There is no Mortuary. Students attend Post Mortem at Sion Hospital, Mumbai as Govt. is not giving permission to conduct postmortem.
20. Community Medicine – there is one demonstration room with capacity of 25 seats. There is a practical laboratory with capacity of 25 work place and having 7 microscopes and preparation room.
21. Institution runs School of Nursing and College of physiotherapy and for running these institutions, addition staff and infrastructure are not provided.
22. Books available in Departmental Library are inadequate as under:-
 - Skin &VD - 56
 - Psychiatry – 59
 - Radiology- 26

23. Lecture Theatres are not as per norms. There are 5 lecture theatres out of this 4 are gallery type and 1 level type seating capacity 2 are of 100 capacity each. 2 are of 150 capacity each, 1 is of 400 capacity.
24. Journals subscribed 80 (55 Indian & 25 Foreign) against the requirement of 70 Indian & 30 Foreign.
25. Other deficiency/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew permission for admission of students against the increase intake i.e. 50 – 100 for the academic year 2004-05 at K.J. Somaiya Medical College & Research Centre, Mumbai.”

8. Toothukudi Medical College, Toothukudi – Renewal of permission for admission of 5th batch of students for the academic session 2004-2005.

Read : The Council Inspectors report (26th July, 2004) for renewal of permission for admission of 5th batch of students during the year 2004-2005. at Toothukudi Medical College, Toothukudi.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (26th July, 2004) and noted the following:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (26th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary, Ministry of Health & FW and undertaking given by the State Govt. of Tamilnadu and decided to recommend to the Central Government to renew the permission for admission of 5th batch of 100 MBBS students for the academic session 2004-05 at Toothukudi Medical College, Toothukudi .”

9. Tirunelveli Medical College, Tirunelveli – Renewal of permission for admission of 2nd batch of students against the increased intake from 100-150 for the academic session 2004-2005.

Read : The Council Inspectors report (26th July, 2004) for renewal of permission for admission of 2nd batch of students against the increased intake from 100-150 for the academic session 2004-2005 at Tirunelveli Medical College, Tirunelveli.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (26th July, 2004) and noted the following:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (26th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary, Ministry of Health & FW and the undertaking given by the State Govt. of Tamilnadu and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic session 2004-2005 at Tirunelveli Medical College, Tirunelveli.”

10. Establishment of Christian Medical College, Dhamtari, Chattisgarh by Memmonite Medical Board Trust, Chattisgarh.

Read : The Council Inspectors report (24th July, 2004) for establishment of Christian Medical College, Dhamtari, Chattisgarh by Memmonite Medical Board Trust, Chattisgarh.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

*"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE*

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>
<i>Declaration of Result of Qualifying Exam./ Entrance Exam.</i>	<i>By 5th June</i>	<i>By 15th June</i>
<i>1st round of counselling/ admission</i>	<i>To be over by 30th June</i>	<i>To be over by 25th July</i>
<i>Last date for joining the allotted College and Course</i>	<i>Within 15 days from the date of allotment of seat @@</i>	<i>31st July</i>
<i>2nd round of counselling</i>	<i>To be over by 8th August</i>	<i>Upto 28th August</i>

<i>for allotment of seats from Waiting List</i>		
<i>Last date for joining for candidates allotted seats in 2nd of counselling from the Waiting List</i>	<i>Within 15 days from the date of allotment of seat (Seats vacant after 22nd August will be surrendered back to the States/ Colleges)</i>	<i>31st August</i>
<i>Commencement of academic session</i>	<i>1st of August</i>	
<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>	
<i>NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July</i>		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. *Time Schedule for completion of the admission process*

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

- 8.2 *In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.*
- 8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*
- 8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.*
- 8.5 *The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."*

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the

medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003 The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the

Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies

were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.

- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for grant of Letter of Permission for establishment of Christian Medical College, Dhamtari, Chattisgarh by Memmonite Medical Board Trust, Chattisgarh on 1st & 2nd June, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 5.7.2004 were informed that they should remove all the deficiencies latest by 9.7.2004 enabling the Council to make its recommendations to the Central Govt. by 15.7.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9844 & 9845

Date : 5/7/04

To

The Director,
Memmonite Medical Board,
Dhamtari Christian Medical College & Hospital,
Raipur Road,
Dhamtari-493 773(Chhattisgarh).

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the

Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July

Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.

(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st
July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council upon considering of the inspection report of the inspection carried out by the Council inspectors on 24th July, 2004 noted that the following deficiencies still exist:-

1. The shortage of teaching staff is as under:-
 - a) The shortage of teaching faculty is more than 60% as under:
 - i) Professor – 3 (Anatomy –1, Physiology –1, General Medicine –1)
 - ii) Assoc. Prof. – 11 (Anatomy –2, Physiology-2, Biochemistry –1, Microbiology –1 Pharmacology –1, Paediatrics –1, Orthopaedics –1, Obst. & Gynea. –1, Radio-diagnosis –1)
 - iii) Assistant Prof. – 12 (Anatomy-2, Physiology-2, Biochemistry –1, Pathology –1, Pharmacology –1, Forensic Medicine –1, PSM –1, General Medicine –1, General Surgery –1, Lect. In Bio.Phy.-1)
 - iv) Tutor – 10 (Anatomy –2, Physiology –2, Biochemistry –2, FMT –1, Radio diagnosis –1, Anaesthesia –2)
 - b) The shortage of Residents is 35 % as under:-
 - i) Sr. Resident – 5 (General Medicine –3, General Surgery 1, Obst. & Gynea.-1)
 - ii) Jr. Resident – 12 (General Medicine – 6, Paediatrics –1, General Surgery –3, Obst. &Gynea.-2)
2. Paediatrics OPD is housed in cubicle.
3. The wards still remains congested.
4. The clinical material is inadequate in terms of OPD attendance (i.e. 314 per day) and bed occupancy i.e. 74%.
5. There is no central oxygen and nitrous oxide supply or central suction in O.T.
6. The hospital does not run its own kitchen.
7. In central library, only 24 Indian and no foreign journals are available against the requirement of 14 Indian and 6 foreign journals
8. Other deficiency/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. to disapprove the scheme for establishment of Christian Medical College, Dhamtari, Chattisgarh by Memmonite Medical Board Trust, Chattisgarh received u/s 10A of the IMC Act, 1956.”

11. Establishment of new medical college at Asaripallam by Govt. of Tamilnadu.

Read : The Council Inspectors report (26th July, 2004) for establishment of new medical college at Asaripallam by Govt. of Tamilnadu.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (26th July, 2004) and noted the following:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (26th July, 2004) alongwith letter dt. 15.7.2004 from the Joint Secretary , Ministry of Health & FW and undertaking given by the State Govt. of Tamilnadu and decided to recommend to the Central Government to issue Letter of Permission for establishment of KanyaKumari Medical College, Asaripallam by Govt. of Tamilnadu with an annual intake of 100 MBBS students for the academic session 2004-05 u/s 10A of the IMC Act, 1956 .”

12. **Establishment of Medical College at Indore by Aurobindo Institute of Medical sciences, Indore.**

Read : The Council Inspectors report (24th July, 2004) for establishment of Medical College at Indore by Aurobindo Institute of Medical sciences, Indore.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th July, 2004) and noted the following:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (24th July, 2004) and decided to recommend to the Central Government to issue Letter of Permission for establishment of Medical College at Indore by Aurobindo Institute of Medical Sciences, Indore with an annual intake of 100 MBBS students for the academic session 2004-05 u/s 10A of the IMC Act, 1956 .”

13. **M.M.Instt. of Medical Sciences & Research, Mullana, Ambala – Renewal of permission for admission of 2nd batch of students for the academic session 2004-05.**

Read : the letter dt. 26.7.2004 from the President M.M. Education Trust, Ambala received through the Central Government for renewal of permission for admission of 2nd batch of students for the academic session 2004-05 at M.M.Instt. of Medical Sciences & Research, Mullana, Ambala.

“The Members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council reviewed the inspection report of inspection dated 2-3 July 2004 and noted the following deficiencies :-

1. The treasures of the Trust met the inspectors and expressed his complete inability to organise and get the inspection conducted on 2-3 July 2004 as it has been declared holiday. Although on inquiry with the D.G.H.S., Govt. of Haryana (copy of the same is enclosed herewith), it was found that it was not a declared public holiday.
2. Neither the Principal nor the Medical Superintendent or Chairman of Trust were available even on telephone.
3. The Principal, when contacted on telephone, expressed his inability to come back from Dehradun for conducting the inspection.
4. The Casualty and indoor services were only being rendered with Junior most skeletal staff.
5. No faculty member was available nor their declaration forms were produced, the physical verification of the faculty could not be undertaken.
6. OPD attendance could not be verified. The functional condition of the computer also could not be verified.
7. There are 2 operation theatres in the existing hospital building, which are inadequate and four OT in the newly constructed hospital building which are in the process of commissioning. No operation was done on the days of inspection.
8. There is no separate ICU, PICU & SICU and Burns Unit.
9. The labour room and MTP room was combined with one table.
10. There is no septic labour or eclampsia room.
11. There was no doctor either Senior or Junior on duty. There was no patient in the delivery room on 02/07/2004.
12. Overall beds occupancy on day of inspection was found to be 60%.
13. The newly constructed hospital complex is in the final stages of completion.
14. There is no proper linking road connecting the two buildings which is under construction.

15. No faculty for experimental work is available in the animal hospital.
16. There is one part time Veterinary officer in the Animal House.
17. RHTC, Maullana in actually the Community Health Centre of Haryana Govt. and has not been developed as RHTC.
18. UHC is under the financial and administrative control of Haryana Govt. Outsourcing teaching and training activities have not been started.
19. Except the available bed strength and occupancy, rest of the parameters of clinical material could not be evaluated and verified.
20. The Registration counter is rather small and crowded. It is not yet operationally computerised.
21. There is no designated Emergency Operation Theatre and emergency surgical operations are carried out in the main OT Block.
22. NO CCTV or Viewing galleries are available.
23. No Glove inspection machine and no instrument washing machine are available in CSSD area.
24. Nursing staff is inadequate.
25. There is a shortage of 20 teaching beds as under :-

Dept.	Required	Present	Shortage
Paediatrics	45	40	5
Obst. & Gynae.	65	50	15

26. Other deficiencies/remarks are in the main report. “

In view of the above, the Members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee decided that the request of the institution to permit first renewal of permission for academic year 2004-05 with 100 admissions cannot be acceded to.

14. **Subharti Medical College, Meerut - Renewal of permission for admission of 5th batch of students for the academic session 2004-2005.**

Read : The Council Inspectors report (24th July, 2004) for renewal of permission for admission of 5th batch of students during the year 2004-2005. at Subharti Medical College, Meerut.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*

- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
<i>Conduct of Entrance Examination</i>	<i>Month of May</i>	<i>Month of May</i>
<i>Declaration of Result of Qualifying Exam./ Entrance Exam.</i>	<i>By 5th June</i>	<i>By 15th June</i>
<i>1st round of counselling/ admission</i>	<i>To be over by 30th June</i>	<i>To be over by 25th July</i>
<i>Last date for joining the allotted College and Course</i>	<i>Within 15 days from the date of allotment of seat @@</i>	<i>31st July</i>
<i>2nd round of counselling for allotment of seats from Waiting List</i>	<i>To be over by 8th August</i>	<i>Upto 28th August</i>
<i>Last date for joining for candidates allotted seats in 2nd of counselling from the Waiting List</i>	<i>Within 15 days from the date of allotment of seat (Seats vacant after 22nd August will be surrendered back to the States/ Colleges)</i>	<i>31st August</i>
<i>Commencement of academic session</i>	<i>1st of August</i>	
<i>Last date upto which students can be admitted against vacancies arising due to any reason</i>	<i>30th September</i>	
<i>NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23rd of July</i>		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

- “.....8. *Time Schedule for completion of the admission process*
- 8.1 *The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-*
- i) *there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
 - ii) *even, if seats are unfilled that cannot be a ground for making mid session admissions;*
 - iii) *there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*
 - iv) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
 - v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
 - vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
 - vii) *in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*
- 8.2 *In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.*
- 8.3 *Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.*
- 8.4 *In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student*

shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is

yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court

was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.

- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.
- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for

issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004 After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004 The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the

inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection of the above-mentioned college for renewal of permission for admission of 5th batch of students for the academic session 2004-2005 at Subharti Medical College, Meerut on 18th & 19th June, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 5.7.2004 were informed that they should remove all the deficiencies latest by 9.7.2004 enabling the Council to make its recommendations to the Central Govt. by 15.7.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9844 & 9845

Date : 5/7/04

To

The Dean/Principal,
Subharati Medical College,
Subharatipuram, Delhi Haridwar By Pass,
Meerut.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical

college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W.,
Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
<p>Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.</p> <p>(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.</p>		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council upon considering of the inspection report of the inspection carried out by the Council inspectors on 24th July, 2004 noted that the following deficiencies still exist:-

1. a) The shortage of teaching faculty is 13 out of 115 as under:-
 - i) Professor – 5 (Microbiology-1, BT & Chest –1, Dermatology –1, Anaesthesia –1, Ophthalmology-1)
 - ii) Assoc. Prof. – 7 (Biochemistry –1, Microbiology –1, Forensic Medicine – 1, Community Medicine-1, Paediatrics –1, ENT – 1, Anaesthesia-1)
 - iii) Tutor – 1 (Microbiology –1)
- b) On detailed scrutiny of the declaration forms, it was found that the following faculty members have shown their date of joining at Subharti Medical Instt. before 2000 and have claimed teaching experience at this college before 2000 whereas Subharti Med. Instt. started only in the year 2000. The department-wise list of the such teaching faculty, alongwith designation and date of joining is given below.

Anatomy

Name	Designation	Date of joining
1. Dr. A.K. Garg	Assoc. Prof.	1.1.1996
2. Dr. Satyam Khare	Assoc. Prof.	2.8.1997

Physiology

1. Dr. Mukesh Kumar	Assoc. Prof.	2.8.1997
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General Surgery

1. Dr. Atul Krishna	Assoc. Prof.	August, 1996
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Pathology

1. Dr. Anjali Khare	Assoc. Prof.	2.8.1997
2. Dr. Suprabhya Sharma	Assoc. Prof.	8.3.1998
3. Dr. Seema Varshane	Assoc. Prof.	1.5.1998

Pharmacology

1. Dr. R.S. Saxena	Assoc. Prof.	18.8.1998
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Radiology

1. Dr. P.K. Gupta Assoc. Prof. 18.5.1998

Medicine

1. Dr. Mukti Bhatnagar Assoc. Prof. 18.5.0996

(c) In view of above the faculty shortage is 20%.

2. Clinical material is inadequate as under: -

	Daily	Day of inspection
Operative work		
Number of major surgical operations	12.5	8
Number of minor surgical operations	20	12
Number of normal deliveries	0.25	Nil
Number of caesarian Sections	0.25	Nil
Radiological Investigations	O.P	O.P
X-ray	63	34
Ultrasonography	45	25
Special Investigations	10	Nil
C.T. Scan	0.25	Nil
Laboratory Investigations		
Biochemistry	63	58
Microbiology	16	8
Serology	18	16
Parasitology	-	-
Haematology	62	60
Histopathology	3	2
Cytopathology	5	4
Others	-	-

3. There were no deliveries on the day of the inspection Lab investigations are inadequate and not commensurate with the OPD attendance. Bed occupancy is 65%. (The number of deliveries and laboratory investigations are low).

4. Nursing staff is inadequate as under :-

Nursing staff	:	1
Dy. Nursing Supdt.	:	1
Matron	:	1
Female Nurses	:	140
Male Nurses	:	10

5. Other deficiencies/remarks in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew of Permission for admission of 5th batch of students for the academic year 2004-05 at Subharti Medical College, Meerut.”

15. **To note the letter of permission/renewal of permission issued by the Central Govt. for establishment of Medical Colleges/increase of seats in 1st MBBS Course for the academic session 2004-2005.**

Read : the letter of permission/renewal of permission issued by the Central Govt. for establishment of Medical Colleges/increase of seats in 1st MBBS Course for the academic session 2004-2005.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter of permission/renewal of

permission issued by the Central Govt. for establishment of Medical Colleges/increase of seats in 1st MBBS Course for the academic session 2004-2005.

Name of the College	Date of issue of letter of intent /permission/renewal of permission issued by the Central Government
Kesar Sal Medical College & Research Institute, Bhadaj, Ahmedabad	LOI dated 20 th July, 2004 for establishment of Medical College with an annual intake of 100 students for the acadmic session 2004-2005.
Bharati Vidyapeeth's Medical College, Pune	LOI dated 15 th July, 2004 for increase of seats in MBBS course from 120 to 150 for the academic session 2004-2005.
MES Medical College, Malaparamba, Malappuram Distt., Kerala	LOP dated 16 th July, 2004 for establishment of Medical College with an annual intake of 100 students for the academic session 2004-2005
Midnapore Medical College & Hospital, Midnapore, West Bengal	LOP dated 15 ^h July, 2004 for establishment of Medical College with an annual intake of 100 students for the academic session 2004-2005
Dr. Pinnameneni Siddhartha Institute of Medical Sciences & Research Foundation, Chinoutpally, Andhra Pradesh	Letter dated 14 th July, 2004 for renewal of permission for admission of 2 nd batch of 150 MBBS students for the acadmic session 2004-2005
Medicity Institute of Medical Sciences, Ghanpur	Letter dated 14 th July,2004 for renewal of permission for admission of 2 rd batch of 100 MBBS students for the acadmic session 2004-2005.
Govt. Medical College, Kohlapur	Letter dated 15 th July, 2004 for renewal of permission for admission of 4 th batch of 100 MBBS students for the acadmic session 2004-2005.
New Medical College, Piparia Distt.	Letter dated 16 th July,2004 for establishment of medical college with an annual intake of 150 students for the academic session 2004-2005
Amala Institute of Medical Sciences, Amalanagar, Thrissur	Letter dated 20 th July, 2004 for renewal of permission for admission of 2 nd batch of 100 MBBS students for the acadmic session 2004-2005.
Pondicherry Institute of Medial Sciences, Pondicherry	Letter dated 15 th July, 2004 for renewal of permission for admission of 4 th batch of 100 MBBS students for the acadmic session 2004-2005.
Govt. Medical College, Akola	Letter dated 20 th July, 2004 for renewal of permission for admission of 2 nd batch of 100 MBBS students for the academic session 2004-2005.
Govt. Medical College, Latur	Letter dated 20 th July,2004 for establishment of medical college for admission of 2 nd batch with an annual intake of 100 students for the academic session 2004-2005
Maharaja's Institute of Medical Sciences, Nellimarla, Vizianagaram Distt., Andhra Pradesh	Letter dated 20 th July,2004 for renewal of permission of 2 nd batch with an annual intake of 100 students for the academic session 2004-2005
Navodaya Medical College, Raichur	Letter dated 20 th July,2004 for establishment of medical college for admission of 2 nd batch with an annual intake of 100 students for the academic session 2004-2005
KBN Institute of Medical Sciences, Gulbarga	Letter dated 21 st July, 2004 for renewal of permission for admission of fresh batch of 100 MBBS students for the acadmic session 2004-2005.
Chhattisgarh Institute of Medical Sciences,	Letter dated 20nd July, 2004 for renewal of

Bilaspur	permission for admission of 4 th batch of 100 MBBS students for the academic session 2004-2005.
Municipal Corporation Medical College, Muglisara, Surat	Letter dated 20nd July, 2004 for renewal of permission for admission of 5 th batch of 100 MBBS students for the academic session 2004-2005.
Co-operative Medical College, Kochi	Letter dated 20nd July, 2004 for renewal of permission for admission of 3 rd batch of 100 MBBS students for the academic session 2004-2005.
K.V.G.Medical College, Sullia	Letter dated 20nd July, 2004 for renewal of permission for admission of 3 rd batch of 100 MBBS students for the academic session 2004-2005.
C. U. Shah Medical College, Surendranagar	Letter dated 20nd July, 2004 for renewal of permission for admission of 5 th batch of 50 MBBS students for the academic session 2004-2005.
Dr. Rajendra Prasad Govt. Medical College, Tanda Kangra, Himacal Pradesh	Letter dated 20nd July, 2004 for renewal of permission for admission of 6 th batch of 50 MBBS students for the academic session 2004-2005.
Aarupadi Veedu Medical College, Pondicherry	Letter dated 15 th July, 2004 for renewal of permission for admission of 5 th batch of 100 MBBS students for the academic session 2004-2005.
Vardhman Mahavir Medical College, Safdarjung Hospital, New Delhi	Letter dated 19 th July, 2004 for renewal of permission for admission of 3 rd batch of 100 MBBS students for the academic session 2004-2005.
Rangaraya Medical College, Kakinada	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 100 to 150 for the academic session 2004-2005.
Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 115 to 150 for the academic session 2004-2005.
North Bengal Medical College, Darjeeling, West Bengal	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 50 to 100 for the academic session 2004-2005.
Govt. Medical College, Aurangabad	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 100 to 150 for the academic session 2004-2005.
Sri Vasant Rao Naik Govt. Medical College, Yavatmal	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 50 to 100 for the academic session 2004-2005.
Indira Gandhi Medical College, Nagpur	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 60 to 100 for the academic session 2004-2005.
B.J. Medical College, Ahmedabad	Letter dated 20nd July, 2004 for renewal of permission for admission of students against the increased intake from 210 to 250 for the academic session 2004-2005.

Chhattisgarh Institute of Medical Sciences, Bilaspur	Letter dated 20 th July, 2004 for renewal of permission for admission of 4 th batch of 100 MBBS students for the academic session 2004-2005.
Smt. NHL Muncipal Medical College, Ahmedabad	Letter dated 30 th June, 2004 for renewal of permission for admission of students against the increased intake from 100 to 150 for the academic session 2004-2005.

16. Establishment of new medical college at Dehradun by Sri Guru Ram Rai Education Mission, Dehradun.

Read : The Council Inspectors report (27th July 2004) for establishment of medical college at Dehradun by Sri Guru Ram Rai Education Mission, Dehradun.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (27th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) *The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) *There shall be no admission of students in respect o any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) *The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

**"APPENDIX-E
TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE**

<i>Schedule of Admission</i>	<i>Seats filled up by Central Govt. through All India Entrance Examination</i>	<i>Seats filled up by the State Govts./ Institutions</i>
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Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. Time Schedule for completion of the admission process

8.1 The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-

- i) there is no scope for admitting students mid-stream as that would be against very spirit of statues governing the medical education;*
- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;*
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;*

- vi) *the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;*
- v) *different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;*
- vi) *no variation of the schedule so far as admissions are concerned shall be allowed;*
- vii) *case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.*

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions....."

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court, keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues

involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 & 29.10.2003	The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The
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following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This

writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.

- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh, meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents' Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on

behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspection for establishment of the college was carried out by the Council Inspectors on 3rd & 4th March, 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection.

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singha and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

**SCHEDULE FOR RECEIPT OF APPLICATIONS FOR
ESTABLISHMENT OF NEW MEDICAL COLLEGES AND**

PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central Government	31 st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
<p>Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.</p> <p>(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.</p>		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of the inspection carried out by the Council inspectors on 27th July, 2004 and noted the following:-

1. The land on which the road is located separating college and hospital belongs to the society. This road is constructed by Nagar Nigam and now it is maintained by P.W.D. The high tension wires are located in an empty piece of land at an approximate distance of 75 metres behind the college building.
2. The shortage of teaching staff is as under:-
 - (i) Faculty 31.5% (i.e.17 out of 54) as under:-
 - a) Professor :1 (Biochemistry)
 - b) Associate Professor : 11 (Anatomy-2, Physiology-2, Biochemistry-1, Pharmacology-1,

Orthopaedics -1, Obst. & Gynac.-1,
Radio-Diagnosi- 1, Anaesthesia -1,
General Surgery-1)

c) Assistant Professor :2 (General Surgery -1,
Ophthalmology-1)

d) Tutor :3 (Microbiology -1, community
Medicine-1, Forensic Medicine-1)

(ii) The shortage of Resident is 61.9% i.e. (26 out of 42)

(a) Sr. Resident : 5 (General Medicine -2, General
Surgery -3)

(b) Jr. Resident : 21 (Medicine -8, Paediatrics-1,
General Surgery -8, Orthopaedics -1,
Obst. & Gynac. -2, ENT -1)

3. Clinical material is inadequate as under: -

	Daily Average	Day of Inspection
O.P.D. attendance	608	358
Casualty attendance	17	5
Bed occupancy%	81.6%	65%
Operative work		
Number of major surgical operations	5	3
Number of minor surgical operations	2.3	1
Number of normal deliveries	0.66	-
Number of caesarian Sections	0	-
<u>Laboratory Investigations</u>	(Break up of	
Biochemistry	various	80
Microbiology	investigations is not	2
Serology	maintained)	-
Parasitology		2
Haematology		98
Histopathology		
Cytopathology		
Total		182

4. Central Library has been constructed and needs to be furnished and made functional. Temporarily it is housed on the ground floor.

5. Mechanized Central Laundry is not available.

6. Bed occupancy on the day of inspection was found to be 65%

7. Acoustics in the two newly constructed lecture theatres is not in place.

8. The hostel for boys and girls are located outside the college campus.

9. Construction of the pre-clinical departments has been completed and they have been furnished, but are not yet functional.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that as per the statutory qualifying criteria, each applicant u/s 10A of the Act seeking permission of the Central Government for starting a new medical college is required to be the owner of 25 acres of unitary/single piece of land. If this condition is not fulfilled, it is deficient in fulfilling one of the pre conditions of the qualifying criteria.

The Committee further noted that the establishment of the new medical college alongwith its hospital has to be in the same campus of 25 acres of land. In the present case, in the inspection conducted by the MCI, it was observed that the land holding of this the applicant is divided by a running road. 9 acres of land is one the one side and 26 acres of land is on the other side of the road. Hospital for the purpose of the proposed medical college is on one side and the college building is on the other side of the road. This, therefore, does not meet the requirement as per the statutory regulations.

The above mentioned statutory requirement of setting up the hospital, college building and other facilities in the single piece of 25 acres of land in the same campus is not shown to be fulfilled. In any case, there cannot be a running road through the campus of the college. This does not meet the requirement of the Regulations.

Hence, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. to disapprove the scheme for establishment of Medical College at Dehradun by Sri Guru Ram Rai Education Mission, Dehradun.

17. Kempegowda Institute of Medical Sciences, Bangalore – Regularisation of admission in Ist MBBS course for the academic session 2004-2005.

Read : The Council Inspectors report (27th July 2004) for Regularisation of admission in Ist MBBS course for the academic session 2004-2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (27th July, 2004) and noted the following:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the communication dated 26.7.2004 from the college authorities seeking permission to make admissions in the 1st year of the MBBS course for the academic year 2004-05. In this communication it has been stated that the deficiencies of staff have been corrected and the clinical material has improved. It has been requested through this letter dated 26.7.2004 that if not 120, at least 100 admissions annually be permitted to them.

The inspection report of the inspection dated 27.7.2004 was considered. The details of the persisting deficiencies have been narrated in the inspection report. Some of the significant deficiencies included in the inspection report are as under:-

The clinical material is inadequate as under:-

	Daily average	Day of Inspection 27.7.2004
OPD attendance	492	864
Casualty attendance	31	25
Number of Admissions/ Discharge - Bed	50.6/53	67/66
Occupancy%	57%	46% (298/641)
<u>Operative work</u>		
Number of Major surgical Operations	15	11
Number of Minor surgical Operations	8	8
Number of normal deliveries	3 to 4	3

Number of caesarian sections	1 to 2	1
<u>Radiological Investigations</u>		
X-ray	70	93
Ultra Sonography	40.6	45
Special Investigations	2 to 4	4
CT scan	7 to 10	7
<u>Laboratory Investigations (No. of tests)</u>		
Biochemistry	310 to 365	300
Microbiology	20	20
Serology	100	120
Parasitology	5 to 10	7
Haematology	200 to 230	250
Histopathology	13	7
Cytopathology	4	5

1. The shortage of teaching staff is as under:-

- (a) Faculty 12.% (i.e.28 out of 231)
Professor 1(T.B.&Chest)

Asso.Prof.- 3(1-Micro-biology,1- PSM,1- Psychiatry)

Asst.Prof -10 (1-Pathology,1-F.M., 2-PSM, 1-TB&Chest),
2-Anesthesia, 1-Radiodiagnosis, 1-Pharmacology,
1-Lect. in Bio-Physics)

Tutors -14 (2 -physiology,1-Microbiology, 3-Pharmacology,
1-TB&Chest, 3-Anesthesia, 3 –Radio-Diagnosis, 1-
Pharm.Chemist)

b) Residents:- 35% (23 out of 64)

i) Sr. Resident : 18 (2-G.Medicine,3-Psychiatry, 3-
Pead., 5-G.Surg., 3-Ortho., 2-Obst. & Gynae.)

ii) Jr. Resident 5 (3-T.B., 2-Derma,)

2. The following deficiencies pointed out in the inspection report of 12th & 13th May 2004 have been rectified partially to the extent indicated hereunder :

Deficiency	Extent to which rectified	Extent to which it still continues
1. Central library: Library is located at three different places, one is at the basement of para – clinical building which functions as the main library; second one is located at the hospital building which is named as PG library and has text books and journals of clinical subjects only under the caption of individual clinical departments; third library is located at the pre -clinical block located 4.5 Kms away and consists of all pre clinical subjects	The Central Library is now located in the Pre-Clinical Block and there is no library in Para-Clinical block. The Library in the Hospital Block is located at the same site. The rest of the situation remains same.	Library in 3 places have been shortened to 1 central library in pre-clinical block and a smaller PG library in the hospital block
2. The subscription for	The two Indian journals	Only 2 Indian

journals have been made and new journals are yet to be received. Last journal was received in 2002	are present at the time of inspection.	journals have already come.
Lecture theatres are not provided with adequate AV Aids in Biochemistry Department. Gas cylinders should be placed out side.	One Lecture theatre with 120 capacity is available. Another theatre with 50 capacity is also available. Work has not started for increasing capacity The gas cylinders kept outside.	
In the Microbiology Department, there is one demonstration room with capacity of 40 seats each. Which is inadequate. No catalogues are available	In the Microbiology Department, there is one demonstration room with capacity of 60 seats now. One catalogues is available	
In the Forensic Medicine Department, no catalogues are available. There is a laboratory with a capacity of 40 seats having no microscopes. There are two tables and temporary arrangements are made for viewing gallery.	In the Forensic Medicine Department, six catalogues are available There is a laboratory with a capacity of 40 seats having 4 microscopes. Viewing gallery is available.	
In the community medicine Department, no catalogues are available. There is no research laboratory available in the department.	In the community medicine Department, one catalogue is available. There is no research laboratory available in the department.	

3. The following deficiencies pointed out in the inspection report of 15th & 16th may 2004 have not been rectified: -
- The para-clinical departments are in the process of being shifted to the pre clinical block. The situation remains the same as on date
 - The lecture halls are still are of flat type. The deficiency still persists as before
 - The deficiency with respect to all the hostels and staff accommodation remains the same.
 - The deficiency with respect to all the sports and recreational facilities remains the same
 - Status remains the same as far as incinerator is concerned.
 - No pharmaceutical chemist is available in Pharmacology department. No separate clinical pharmacology is available. There is no museum. The department library is located inside Professor's room.
 - In the Physiology Department. Each laboratory has only 30 workplaces. There is no separate mammalian lab and no research lab is available.
 - In the pathology department there are 2 demonstrations rooms with capacity 2X30 each seats, which are inadequate. No separate clinical pathology/Hematology laboratory is available.

In view of the deficiencies found in the inspection report of 27.7.2004, the members of the Adhoc Committed appointed by the

Hon'ble Supreme Court and the Executive Committee of the Council could not find themselves in a position to accede to request of the college management made through letter dated 26.7.2004 stating that at least 100 instead of 120 admissions in the 1st year of the MBBS course for the academic year 2004-05 be permitted to them.

Considering the teaching facilities, clinical material, beds and other infrastructural requirements, it was found possible that this college be permitted to make 50 admissions in the 1st year of the MBBS course for the academic year 2004-05 and obviously the position to be reviewed again for the fixation of annual intake capacity, on finding further removal of the deficiencies, for the future years."

18. S.Nijalingappa Medical College, Bagalkot - Renewal of permission for admission of 3rd batch of MBBS students for the academic session 2004-2005.

Read : The Council Inspectors report (28th July 2004.) for renewal of permission of admission of 3rd batch of MBBS students for the academic session 2004-2005 at S. Nijalingappa Medical College, Bagalkot.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (28th July, 2004) and noted the following:-

After the judgement of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, the Council is also required to strictly enforce the time schedule for admissions in the medical courses including the last date of admissions, to be meticulously followed by each medical college/institution in the country.

Similarly, the consequences for non-adherence to the time schedule for medical admissions fixed by the MCI in accordance with the directions of the Hon'ble Supreme Court have been prescribed through the mandatory and binding statutory regulations of the MCI, as amended by the Gazette Notification dated 25.02.2004 through the Graduate Medical Education Regulations, 1997 and the relevant provisions thereof are reproduced as under:-

- “(6) The Universities and other authorities concerned shall organize admission process in such a way that teaching in first semester starts by 1st of August each year. For this purpose, they shall follow the time schedule indicated in APPENDIX-E”*
- (6A) There shall be no admission of students in respect of any academic session beyond 30th September under any circumstance. The Universities shall not register any student admitted beyond the said date.*
- (6B) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.*

The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

A statutory schedule to these regulations being Appendix-E provides as under : -

"APPENDIX-E

*TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE*

Schedule of Admission	Seats filled up by Central Govt. through All India Entrance Examination	Seats filled up by the State Govts./ Institutions
Conduct of Entrance Examination	Month of May	Month of May
Declaration of Result of Qualifying Exam./ Entrance Exam.	By 5 th June	By 15 th June
1 st round of counselling/ admission	To be over by 30 th June	To be over by 25 th July
Last date for joining the allotted College and Course	Within 15 days from the date of allotment of seat @@	31 st July
2 nd round of counselling for allotment of seats from Waiting List	To be over by 8 th August	Upto 28 th August
Last date for joining for candidates allotted seats in 2 nd of counselling from the Waiting List	Within 15 days from the date of allotment of seat (Seats vacant after 22 nd August will be surrendered back to the States/ Colleges)	31 st August
Commencement of academic session	1 st of August	
Last date upto which students can be admitted against vacancies arising due to any reason	30 th September	
NOTE : @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 23 rd of July		

There cannot be any doubt that each authority who is concerned with the selection of students for the purpose of admission in medical colleges/institutions, to ensure that no unwarranted problem/hardship is caused to the students community who are seeking selection in medical courses on their merit. Needless to state, it has to be the endeavour of each concerned authority in ensuring that every necessary step is taken, well in time, for ensuring that the students do not face any undue or impermissible procedural difficulties/hassles in pursuing their academic career in medical education.

Undoubtedly, one of such steps which each authority is duty bound to take is to ensure that the directions which are issued by the Hon'ble Supreme Court, are strictly adhered to and followed in letter and spirit by each medical college/institution. Some of the relevant events which had taken place last year are again brought to the kind notice of the Central Govt. The Govt. of India, Ministry of Health & F.W., after the Constitution Bench judgement of the Hon'ble Supreme Court dated 31.10.2002 in TMA Pai case, held meeting and consultation with all the State Governments, Health Secretaries etc., issued the policy communication dated 14.5.2003 granting approval to the time schedule for commencement and completion of admissions in medicine courses. Para 8 (8.1 to 8.5) of this policy communication of the Govt. of India is reproduced as under:-

“.....8. *Time Schedule for completion of the admission process*

8.1 *The Hon'ble Supreme Court of India in a judgement dated 11.9.2002 in the case of MCI Vs. Madhu Singh passed the following orders:-*

i) *there is no scope for admitting students mid-stream as that*

would be against very spirit of statutes governing the medical education;

- ii) even, if seats are unfilled that cannot be a ground for making mid session admissions;
- iii) there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year;
- iv) the MCI shall ensure that the examining bodies fix a time schedule specifying the duration of this course, the date of commencement of the course and the last date for admission;
- v) different modalities for admission can be worked out and necessary steps like holding of examination if prescribed, counseling and the like have to be completed within the specified time;
- vi) no variation of the schedule so far as admissions are concerned shall be allowed;
- vii) in case of any deviation by the concerned institution, action as prescribed shall be taken by the MCI.

8.2 In pursuance of the above directions of the Hon'ble Court, a schedule for completion of the various stages of the admission process; commencement of the academic session and closure of admission in courses of medicine and dentistry has been finalised by the Central Government after consultation with the State Health/Medical Education Secretaries and Vice-Chancellors of the Universities of Health Sciences in the meeting held on 7.3.2003. The said schedule is annexed herewith, which shall be applicable to all the medical and dental colleges in the country from the academic session 2003-04 and onwards. All the State Governments, Universities medical and dental institutions in the country and any other authorities concerned shall strictly abide by the time frame for completion of each of the stages of admission process indicated in the said Schedule.

8.3 Neither any student shall be admitted in any course of medicine or dentistry after the expiry of the last date prescribed for closure of admission in that course, nor any University shall register any such admission sought to be made. The State Governments shall also take all necessary steps to prevent deviation from the prescribed Schedule.

8.4 In exercise of the powers conferred by the Hon'ble Supreme Court, the Medical Council of India or the Dental Council of India may direct that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study; or any medical or dental qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956 or the Dentist Act, 1948 as the case may be. The Institution which grants admission to any student after the last date prescribed for the same shall also be liable to face such action as may be prescribed by MCI or DCI.

8.5 The Time Schedule for completion of the admission process as in the Annexure shall also be printed in the Bulletin of Information for the candidates of the Prospectus for admission to the concerned course. The candidates shall be clearly warned of the consequences of taking admission in any institution after the last date for closure of admissions.....”

The above mentioned decision of the Govt. of India dated 14.5.2003 alongwith the time schedule for commencement and completion of admissions was also placed before the Constitution Bench of the Hon'ble Supreme Court in WP(C) 350/93 - Islamic Academy of Education & Anr. Vs. State of Karnataka & Ors. wherein the Hon'ble Supreme Court,

keeping in mind the schedule decided for completion of admission for medical course observed and directed as under:-

"..... So far as the year 2003-04 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50 : 50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases....."

In continuation of discharging its responsibility to achieve this objective of completion of admission in time and commencement of the courses in time in all the medical colleges/institutions as has been directed by the Hon'ble Supreme Court, the Council addressed another communication dated 27.8.2003 to all the Deans/Principals of the medical colleges, University and State authorities etc. bringing to their notice the above mentioned dates and also the observations made by the Hon'ble Supreme Court on 14.8.2003 for completion of admissions for the academic session 2003-04 by keeping in mind the schedule approved by the Govt. of India and which was annexed with the Central Govt.'s decision dated 14.5.2003, it was requested to all the medical institutions and the concerned authorities that in accordance with the judgement of the Hon'ble Supreme Court, they shall take all necessary steps, as expeditiously as possible, so that admissions in the medical courses for the academic session 2003-04 are completed before 30.9.2003.

The Hon'ble Supreme Court on 25.9.2003 passed an order in SLP (C) No.15647/2003 - Shweta Goyal & Ors. Vs. ABVP & Ors. The relevant portion of this order of the Hon'ble Supreme Court is as under:-

".....The above noted three medical colleges, i.e. Dr. D.Y. Patil Vidyapeeth, Navi Mumbai, the other at Pune and the Bharti Vidyapeeth are private unaided institutions. According to the norms prevailing, the session in the medical colleges are to start from July 1 every year. Any changes, if necessary, in the matter of admissions have to be finally completed by September 30, whereafter it is not permissible at all....."

..... Arguments have been advanced from both sides in some details. For disposal of the matter at this interim stage, we do not find it necessary to refer to the detailed arguments or to the decisions which have been cited by each side. The whole matter is yet to be decided on merits. Apparently, the matter seems to be quite arguable on merits from both sides. Presently we are called upon to take care of the admissions to be made in the current year, particularly keeping in mind the time constraint, since it is running out and learned counsel appearing on behalf of the MCI before us, had only stressed that the Court may see to it that the time schedule is not disturbed and all the admissions must be completed by the 30th of September....."

Some of the State Governments and the medical colleges had approached the Hon'ble Supreme Court by filing applications/writ petitions praying for extension of time from 30.09.2003. These applications and/or writ petitions were considered and rejected by the orders dated 27.10.2003 and 29.10.2003 in I.A. No. of 2003 in CA No.5166/2001 & WP Nos.476,478 & 484/2003. By the dismissal of these applications/writ/review petitions, the Hon'ble Supreme Court, for strict enforcement of its directions in para 23 of the judgement in Madhu Singh's case, was pleased to enforce the time schedule for commencement and completion of admission process for the medicine courses including

the last date for admissions as 30th September for each academic year and 30.09.2003 for the academic year 2003-04.

27.10.2003 &
29.10.2003

The issue pertaining to the change in the last date of MBBS admissions being 30.09.2003 fixed in accordance with the directions of the Hon'ble Supreme Court in Madhu Singh's case, was agitated by certain State Governments and medical colleges. The following are the details of those matters which came up before the Hon'ble Supreme Court.

- (i) An application was filed by Uttranchal Forest Hospital Trust Medical College. It was claimed that this college has been sought to be set up by the State of Uttranchal. On the recommendations of the MCI, the Central Govt. by its communication dated 30.09.2003 granted letter of permission for admission of 100 students for the academic year 2003-04. The State of Uttranchal could not complete the admissions before the last date, i.e., 30.09.2003. It came forward and filed an application before the Hon'ble Supreme Court, inter-alia praying therein the direction that the respondents be directed to extend the cut-off date of 30.09.2003 by at least one month for completing the admission process in the medical college for academic session 2003-2004.

It is further submitted that 16 candidates also filed an application before the Hon'ble Supreme Court claiming that they are the students and residents of the State of Uttranchal who had appeared in the Uttranchal Pre-Medical Test 2003 conducted by that State. They were waitlisted in the common entrance test merit list. They prayed that the last date of completion of admissions be extended for enabling them to take admission in this college for the academic year 2003-04.

These applications of State of Uttranchal for Uttranchal Forest Hospital Trust Medical College and of the above-mentioned 16 candidates came up for hearing before the Hon'ble Supreme Court on 27.10.2003. After hearing the arguments, the Hon'ble Supreme Court declined to extend the last date for completion of admissions and was pleased to dismiss the prayer made on behalf of the State of Uttranchal.

- (ii) The State of Andhra Pradesh had filed a similar application before the Hon'ble Supreme Court, inter-alia, praying therein seeking an extension of two weeks' time from the last date of 30.09.2003 for rectifying the irregular admissions made by the management of certain private medical colleges. When the Hon'ble Supreme Court was not inclined to grant any extension of time from the last date of completion of admissions being 30.09.2003, the State of Andhra Pradesh withdrew the application. The order dated 27.10.2003 mentioned above also records the order passed by the Hon'ble Supreme Court in relation to the application of the State of Andhra Pradesh.
- (iii) A writ petition under Article 32 of the Constitution of India being WP(C) No.476/2003 was filed before the Hon'ble Supreme Court by MNR Medical College & Hospital. This college was granted initial permission under Section 10A for the admission of first batch of students for the year 2001-02. On achieving all the annual targets for the admission of second batch of students, it was granted the first annual renewal for the admission of first batch of students for the academic year 2002-03. However, on account of deficiencies found with regard to further requirements as per the project scheme, the MCI did not recommend the case of MNR Medical College for grant of second annual renewal for admission

of 3rd batch of students for the academic year 2003-04. By a letter dated 22.09.2003, the recommendation by the MCI for not renewing the permission for the academic year 2003-04 was sent to the Govt. of India. In the writ petition filed before the Hon'ble Supreme Court, it was prayed that the respondent MCI be directed to recommend extension of time for completing admission process for the academic year 2003-04. This writ petition of MNR Medical College came up for hearing before the Hon'ble Supreme Court on 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss the writ petition by its order dated 29.10.2003.

- (iv) Another medical college set up by Share Medical Care Society in Andhra Pradesh was granted the initial permission under Section 10A for the admission of first batch of students for the academic year 2002-03. This college failed to fulfil the norms for the second year of the MBBS course as per the project scheme submitted by it. On inspection of this college by the MCI, a number of deficiencies were found. The recommendation was sent to the Central Govt. by the MCI letter dated 22.09.2003 that this college be not granted renewal for the admission of second batch of students for the academic year 2003-04. This college filed a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court being WP(C) No.478/2003, inter-alia, praying therein for a direction to MCI to recommend extension of time for completing the admission process for the academic year 2003-04 in the MBBS course. This writ petition came up for hearing before the Hon'ble Supreme Court on 29.10.2003. After hearing the parties, the Hon'ble Supreme Court by its order dated 29.10.2003, was pleased to dismiss the writ petition.
- v) Padamshri Dr. Vitthalrao Vikhe Patil Foundation had submitted an application under Section 10A for seeking prior permission for setting up a new medical college at Ahmednagar (Maharashtra). The infrastructure and other facilities of this proposed new medical college were last inspected by the MCI on 11.09.2003. This inspection report was considered by the Council and by letter dated 22.09.2003 the recommendation was sent to the Central Govt. for grant of permission to this college for admission of first batch of 100 students in the first year of the MBBS course for the academic year 2003-04. This college was issued the prior permission under Section 10A by the Central Govt. on 25.09.2003.

This college filed a writ petition before the Hon'ble Supreme Court being WP(C) No.484/2003, inter-alia, praying therein for issuance of a direction to the respondents in the writ petition to permit the college to complete the admission process for the academic session 2003-04 in the MBBS course beyond 30.09.2003 as stipulated by the MCI, as a special case for this academic year only. After hearing the arguments on 29.10.2003, the Hon'ble Supreme Court was pleased to dismiss the writ petition. The copies of the orders dated 27.10.2003 and 29.10.2003 are annexed herewith and are enclosed.

06.01.2004

After the above-mentioned request on behalf of State of Andhra for correcting the regular admissions made by certain private medical colleges had not found favour with the Hon'ble Supreme Court, the Parents of those students who are higher in the merit list and who were not granted admissions in the medical colleges in the State of Andhra Pradesh filed another petition before the Hon'ble Supreme Court being IA No.25 reiterating the grievance that because of irregularities committed by the concerned authorities and the management of the colleges in the State of Andhra Pradesh,

meritorious students have been left out and the candidates lower in the merit list had been granted admissions in the MBBS Courses. This application being IA No.25 titled as – Parents’ Association for applicants & Students of Medical & Dental Courses Vs. NTR University of Health Sciences & Ors., came up before the Hon'ble Supreme Court on 6.1.2004. After hearing the submissions made on behalf of the parents association the said petition, namely, IA No.25 was dismissed primarily on the ground that no change in the admissions made after 30.9.2003, shall be permissible.

04.02.2004

The above-mentioned three colleges, namely, Share Medical Care, M.N.R. Medical College and Vikherao Patil Medical College filed review petitions before the Hon'ble Supreme Court seeking review of the dismissal of their writ petitions vide orders dated 29.10.2003. The Hon'ble Supreme Court was pleased to dismiss all the three review petitions vide orders dated 4.2.2004. Copies of the orders are enclosed.

The Council is obliged to bring it to the kind notice of the Central Govt. that the grant of permission/renewal with reference to certain colleges by the Central Govt. in the month of September, 2003, had become an issue of debate in certain cases. Unfortunately, insinuations were made and motives were attributed in the Central Govt. considering the cases of those colleges for grant of permission/renewals, close to the last date of admissions. Copies of judgements dated 26.12.2003 in a batch of writ petitions titled as Priya Paul Yedluri Vs. NTR University of Health Sciences & Ors. and judgement dated 05.03.2004 in Dr. Pinnamaneni Sidhartha Institute of Medical Sciences Vs. The Govt. of India, Ministry of Health & Family Welfare & Ors., by the Hon'ble Andhra Pradesh High Court, are enclosed. The Hon'ble High Court has not taken this position very kindly and certain adverse observations have been made in relation to the late grant of permission/renewals by the Central Govt. in favour of certain medical colleges. I am directed to invite your kind attention to some of the observations made on pg.25-26 in the judgement dated 26.12.2003 and at pg.22-32 of the judgement of the Hon'ble Andhra Pradesh High Court dated 05.03.2004 wherein, after making certain adverse remarks against the late grant of permissions/renewals by the Central Govt., it has been, inter-alia, observed as under : -

"..... But, we cannot ignore the contents of the record since the arrival of these 5 colleges on the scene on 29th & 30th of September, 2003 is the only reason for the mess that followed thereafter....."

Each concerned authority is, therefore, obliged to not to allow arising of any similar situation by undertaking consideration of any delayed request for permission/renewal by not adhering to the time schedule, thereby permitting any possibility of chaos in the admission process to be adversely commented upon by any Hon'ble Court, apart from the inevitable possibility of harassment and hardship to the candidates who are seeking admission to MBBS course.

It was for this reason that the Council had carried out the timely inspections of the above-mentioned college for renewal of permission for admission of 3rd batch of students on 22-23 June 2004. The college authorities were under an obligation to provide the minimum infrastructural, teaching and other facilities well before this inspection. The college authorities vide MCI communication dated 05.07.2004 were informed that they should remove all the deficiencies latest by 09.07.2004 enabling the Council to make its recommendations to the Central Govt. by 15.07.2004.

The contents of the letter dated 05.07.2004 addressed by the Council to the college authorities is reproduced as under : -

"No.MCI-34(41)/2004-Med.9871 & 9872

Date : 5/7/04

To

The Dean/Principal,
S. Nijalingappa Medical College
Bhagalkot – 587 107
Karnataka

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 - furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission - reg.

Sir,

With reference to the subject mentioned above, I am directed to refer to the Govt. of India letter dated 1.7.2004 the contents whereof are as follows:-

'I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education Regulation, 1997 the classes for the academic session have to commence by 1st of August, 2004. In order to ensure compliance with this Schedule, the Council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.'

Your attention is also invited to the schedule appended to the - Establishment of Medical College Regulations, 1999 whereunder it has been stipulated that the issue of letter of permission which is inclusive of issuance of annual renewals by the Central Govt. on the recommendations of the MCI by 15th July of the concerned year.

As per the time schedule for admissions in the MBBS course, commencement of the academic session and the last date for admissions fixed by the MCI in accordance with the directions of the Supreme Court in MCI Vs. Madhu Singh - (2002) 7 SCC 258, it is reemphasised that all the admissions in the MBBS course for the academic session 2004-05 should be completed by each medical college/ institution on or before 31.7.2004. The academic session must commence from 1.8.2004. The stray/casual vacancies should be filled up on or before 30.9.2004 whereafter no admission is permissible.

As per the scheme under the provision of Section 10-A of the Act and the regulations made thereunder, each applicant management is obliged to achieve its annual targets towards fulfillment of minimum infrastructural, teachings and other facilities for establishment of a medical college. The Council is required to verify these aspects every year by conducting annual inspections for making recommendations to the Central Govt.

In your case, for the present academic year, the inspection by the Council was conducted in time. However, the deficiencies with reference to minimum infrastructural, teachings and other facilities, which ought not to have been there, had disabled the Council to forward the suitable recommendations to the Central Govt.

For ensuring that the abovementioned time schedule is strictly adhered to, the Central Govt. had desired by its abovementioned communication dated 1.7.2004 that the recommendations by the MCI for grant of letter of permission for new colleges or annual renewals be made by the Council latest by 15.7.2004. Under these circumstances and for meeting this deadlines the Council has arranged a meeting of its Executive Committee on 15.7.2004.

With a view to facilitate another opportunity and keeping in mind the adherence to the time schedule by all concerned, I am directed to request you to kindly take all such necessary steps which may be required to be taken by your management for meeting and fulfilling the minimum requirement including the conduct of inspection by the Council, latest by 9.7.2004 thereby enabling the Executive Committee of the Council to consider the case of your college in its ensuing meeting schedule to be held on 15.7.2004 and make suitable recommendation to the Central Govt. It is made clear that after 15.7.2004 neither it would be possible for the Council to consider the case of your college for the present academic year nor the Central Govt. is going to accept any recommendation by the Council in relation to any medical college after 15.7.2004.

Yours faithfully,

Sd/-
Lt. Col.(Retd.) Dr. ARN Setalvad,
Secretary

Copy for information to Secretary, Ministry of Health & F.W., Govt.of India, Nirman Bhavan, New Delhi-110 001."

I am also directed to bring to your kind notice that recently on 12.7.2004 the Hon'ble Supreme Court pronounced its judgement in CA No. 4051/2004 in MCI Vs. G. Udhaya Bharathi & Ors., a copy whereof is enclosed herewith, thereby cancelling an admission in the 1st year of the MBBS course for the academic year 2003-04 after 30.9.2003 and re-emphasised and reiterated its judgements in State of Punjab Vs. Renuka Singhla and Madhu Singh's case. Copy of the judgement is enclosed.

Your attention is also invited to the following time schedule which has been laid down in the Establishment of New Medical Colleges Regulations, 1999 and the same is reproduced as under : -

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31 st December
4.	Issue of Letter of Intent by the Central	31 st January

	Government	
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28 th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15 th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15 th June
8.	Issue of Letter of Permission by the Central Government	15 th July
<p>Note : (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organisation, basic infratructural facilities, management and financial capabilities of the Council may recommend issue of Letter of Intent by the Central Government.</p> <p>(2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.</p>		

It is stated that the Council is in receipt of the letter dated 01.07.2004 from the Central Govt. pointing out as under : -

"TIME BOUND

No.U.12011/1/2004-ME(P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health
Nirman Bhawan, New Delhi-110011.

Dated the 1st July, 2004

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Strict adherence to the time schedule for completion of admission to MBBS course for the academic session 2004-05 – furnishing of recommendation of MCI for grant of LOP for establishing new college/renewal of permission – reg.

Sir,

I am directed to say that as per the time schedule for completion of admission process for MBBS course incorporated in the Graduate Medical Education regulation, 1997 the classes for the academic session have to commence by 1st August 2004. In order to ensure compliance with this Schedule, the council is requested to forward all its recommendation for grant of Letter of Permission for establishment of new colleges or annual renewal of those colleges established under Section 10A of the Act latest by 15th July, 2004 so as to allow the Government sufficient time for processing such recommendations and passing appropriate orders thereon before the commencement of the academic session.

Yours faithfully,

Sd/-
(P.G. Kaladharan)
Under Secretary"

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also considered the inspection report of the inspection carried out by the Council inspectors and noted that the following deficiencies still exist :-

1. a) The shortage of teaching faculty is 30%

- i) Professor 6 (Physiology-1, FMT-1, PSM-1, Orthopaedics-1, Pediatrics-1, Medicine-1)
- ii) Assoc. Professor 10 (Pharmacology-2, Physiology-2, Pathology-Microbiology-1, PSM-1, Gen. Medicine1)
- iii) Asst. Professor 9 (Physiology-1, Pathology-2, Pharmacology-1, FMT-1, PSM-2, Medicine-3)
- iv) Tutor 9 (Anatomy-1, Biochemistry-1, Pathology-2, Pharmacology-4, PSM-2, Paediatrics-1, Radiology-1, Anatomy-1)

b) The shortage of Residents is 30% as under :-

- i) Sr. Resident 6 (Psychiatry-1, Skin & VD-1, Gen. Surgery-1, Anaesthesia-3)
- ii) Jr. Resident 18 (Skin &VD-1, Psychiatry-1, Paediatrics-2, Gen. Surgery-5, Obst. & Gynae-4, General Medicine-5)

2. The Clinical material is grossly inadequate :-

	26.07.04	27.07.2004	As observed on 28.07.2004
O.P.D. attendance	776	493	99
Casualty attendance	07	04	00
Bed occupancy%	75%	75%	55%
Operative work			
Number of major surgical operations	04	05	02
Number of minor surgical operations	10	12	04
Number of normal deliveries	00	01	01
Number of caesarian Sections	00	03	00
<u>Radiological Investigations</u>			
Routine X-ray	68	68	20
Special Investigations	00	0	02
Ultrasonography	49	29	08
C.T. Scan	06	03	01
<u>Laboratory Investigations</u>			
Biochemistry	151	154	38
Microbiology	333	332	105
Serology	00	02	
Parasitology	02	06	
Haematology	68	67	10
Histopathology	06	07	
Cytopathology	08	04	02
Others			

3. Provision for accommodating 88 Nursing Staff is made available in the Campus, which is inadequate.
4. At RHTC, there is a meeting hall which is being used as a Lecture Hall.
5. No Accommodation is available at Campus, only 33 quarters are available which are inadequate.
6. Blood Bank is located in the old campus where previous hospital was functioning.
7. Blood Bank in the new campus, the license is awaited.
8. Other deficiencies/remarks are in the report.

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew permission for admission of 3rd batch of students for the academic year 2004-05 at S. Nijalingappa Medical College, Bhagalkot.

19. Admission for the academic year 2004-2005 in the 1st MBBS course at Adichunchanagiri Instt. of Medical Sciences, Bellur.

Read : the compliance verification inspection report (26th & 27th Feb., 2004) of Adichunchanagiri Instt. of Medical Sciences, Bellur carried out to assess the undergraduate teaching facilities available at the college alongwith the letter dated 26/5/2004 from the Principal through the Govt. of India.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (26th & 27th Feb., 04) and noted that the following deficiencies pointed out in the inspection report are still persisting and no compliance has been submitted by the college for rectification of these deficiencies, which is as under:-

1. (i) The shortage of teaching faculty is 32.7% (i.e.46 out of 141) as under:-
 - a) Professor : 2 (PSM-1, Forensic Med.-1)
 - b) Associate Professor :15 (Anatomy - 2, Physiology-1, Biochemistry-1, Microbiology-1, For. Med.-1, PSM- 2, TB & Chest-1, Psychiatry-1, Radiodiagnosis-2, Anaesthesia-3, Dentistry-1)
 - c) Assistant Professor :14 (Anatomy-1, Microbiology-1, Forensic Medicine- 1, PSM-2, Epidemiologist-1, Statistics-1, Psychiatry-1, Radiodiagnosis-2, Anaesthesia-3, Dentistry-1)
 - d) Tutor :15 (Anatomy-3, Physiology-1, Community Medicine-3, Radiodiagnosis-4, anaesthesia -4)
- (ii) The shortage of Tutor/Resident is more than 25% as under:-
 - i) Sr. Resident : 3 (Skin & VD-1, Psychiatry-1, Obst.-1)
 - ii) Jr. Resident : 19 (15-TB & Chest, Skin & VD-3, Psychiatry-3, Obst. & Gynae. -6)

One Associate Professor of Surgery was not present on 26th February for verification i.e. PG inspection.

One Professor of Obst. & Gynae. was not present for verification on 26th February for PG inspection. He was present for verification on 27th February.

One Professor for Orthopaedics was not present on 26th February i.e. PG inspection and was present on 27th February.

Smt. Veena, Lecturer in Statistics appeared for verification, however, on scrutiny of the documents, it was found that degree certificates was not available and the mark list of MSc(Statistics) submitted by her showed that she was failing in the examination, hence, not eligible for the post of Lecturer. Hence, she is not counted for the post.

2. Clinical Material is grossly inadequate as under :-

	Daily Avg.	Day of Inspection
O.P.D. attendance	278	542
Casualty attendance	13	9
Bed occupancy%	53%	108.4%
Operative work		
Number of major surgical operations	2	4
Number of minor surgical operations		
Number of normal deliveries	2	1
Number of caesarian Sections	2	1
<u>Radiological Investigations</u>		
X-ray	20	42
Ultrasonography	11	17
Special Investigations	1	-
C.T. Scan	1	1
<u>Laboratory Investigations</u>		
Biochemistry	27	29
Microbiology	41	126
Serology	-	-
Parasitology	-	-
Haematology	105	72
Histopathology	4	0
Cytopathology	1	2
Others		

- Although bed occupancy was 108% on the day of inspection, majority of them were of cataract patients, who had been admitted during eye camp. There is one single ward having 160 beds with single nursing station having 2 staff nurses catering to Paediatrics, Ophthalmology, Orthopaedics, TB & Chest, ENT& Surgery. However, 145 beds were occupied by cataract patients.
- In Paediatrics ward, bed occupancy was only 5 patients, all of whom were adult cataract patients who were operated during eye camp.
- The following deficiencies pointed out in the inspection report of 9/8/03 have not been rectified:-
 - Psychiatry department has no faculty member.
 - Forensic Medicine has no faculty, only one tutor is available.
- There is shortage of 10 beds in Ophthalmology.
- Only 2 lecture halls are available against 4 required.
- In the department of Microbiology, seven separate service laboratories are not available and Laminar flow is not available.
- In the department of Pathology, there is only one laboratory for students against 2 required as per norms.

10. Only 5 OTs are available against the required number of 10 as per norms.
11. Other deficiencies/remarks are in the report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision taken at its meeting held on 23rd August, 2003 recommending stoppage of admissions for the academic year 2004-2005 in the Ist MBBS course at Adichunchanagiri Instt. of Medical Sciences, Bellur. Copy of the letter be marked to the Registrar, Rajiv Gandhi University of Health Sciences, Bangalore, Officer-in-Charge CET Cell, Bangalore, DME, Govt. of Karnataka and Principal of the college.

20. **Resignation of Dr. Virender Mohan, Whole Time Inspector**

Read : Resignation received from Dr. Virender Mohan, Whole Time Inspector, that he cannot continue his services as Whole Time Inspector and therefore, his resignation may be accepted.

The Members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee considered the resignation letter of Dr. Virender Mohan and decided to accept his resignation and to relieve him from the services of the Council w.e.f. 30th July 2004 (Afternoon)

(Lt. Col. (Dr.) ARN Setalvad) (Retd.)
SECRETARY.

New Delhi, dated
the 28th July, 2004

A P P R O V E D

(Dr. P. C. Kesavankutty Nayar)
President (Acting)