

OUT TODAY

ITEM NO.9

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 634/2018

THE STATE OF BIHAR

Petitioner(s)

VERSUS

MEDICAL COUNCIL OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION and IA No.81530/2018-STAY APPLICATION)

WITH W.P. (C) Nos. 683/2018 and 682/2018

Date : 18-06-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MS. JUSTICE INDU MALHOTRA
(VACATION BENCH)

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Manish Kumar, Adv.
Mr. Kumar Milind, Adv.
Mr. Gopal Singh, AOR

Ms. Vibha Datta Makhija, Sr. Adv.
Mr. Ankur Prakash, AOR
Mr. Ashutosh Kumar Sharma, Adv.
Mr. Yudhister Bhardwaj, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Devashish Bharuka, AOR
Mr. Justine George, Adv.
Mr. Ravi Bharuka, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
Mr. T. Singhdev, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Tarun Verma, Adv.
Mr. Gaurav Sharma, Adv.

Mr. Maninder Singh, ASG
Mr. R. Balasubramaniam, Adv.
Mr. Sachin Sharma, Adv.
Mr. Arvind K. Sharma, Adv.
Mr. Gurmeet Singh Makker, AOR

Signature Not Verified
Digitally signed by
ASHA SUNDRIYAL
Date: 2018.06.18
18:22:57 IST
Reason:

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (Civil) No.634/2018 has been filed by the State of Bihar challenging the refusal of the Central Government to grant approval for admission of fresh batch of students to the MBBS course for the academic year 2018-2019, in the 3 Government Medical Colleges mentioned hereinbelow:

1. Anugrah Narayan Magadh Medical College, Gaya (ANMMC)
2. Vardhman Institute of Medical Sciences, Pawapuri, Nalanda (VIMS); and
3. Government Medical College, Bettiah (GMC)

A similar Writ Petition (Civil)No.682/2018 has been filed by the State of Jharkhand and M.G.M. Medical College of Jharkhand for refusal to grant LOP for admission to this College for conducting the MBBS course in 2018-19 on account of deficiencies pointed out by the MCI.

Writ Petition (Civil) No.683 of 2018 has been filed by the State of Uttar Pradesh with respect to the disapproval for grant of renewal of permission to 4 Medical Colleges in the State of Uttar Pradesh viz:

1. Govt.Allopathic Medical College, Banda
2. Govt. Medical College (Shaikh-UlHind-Maulana Mohmood Hassan Medical College), Saharanpur;
3. Govt.Medical College & Super Speciality Hospital, Azamgarh; and

4. Rajkiya Medical College, Jalaun.

wherein similar relief has been sought from this Court.

This Court vide detailed order dated 14th June, 2018 directed the three State Governments to file affidavits regarding the deficiencies pointed out by the MCI, and the steps to be taken by the respective State Governments for removal of the same within a specified time limit. The Court specifically directed that the responsibility must be shouldered by the Principal Secretary, In-charge Medical Education as well as the Chief Secretary by filing undertakings before this Court.

The above Writ Petitions were posted for further hearing today. The affidavits affirmed by the Principal Secretaries of the three States were tendered across the Bar.

The Principal Secretary of the State of Bihar filed an affidavit dated 15th June, 2018 before this Court wherein it has been stated in paragraph 5 that the State of Bihar has taken various steps to remove or rectify all the deficiencies pointed out by the Medical Council of India (For short "the MCI"). Furthermore, the Principal Secretary has undertaken that the timelines mentioned in Annexure A to C of the affidavit shall be followed and to rectify the deficiencies.

A similar affidavit dated 15th June, 2018 has been filed by the Principal Secretary, Department of Health,

Medical Education and Family Welfare, Government of Jharkhand submitting the details of the deficiencies which have been rectified, and those which are yet to be rectified as per Annexures A to C appended to the affidavit.

An affidavit of undertaking has been filed by both the Chief Secretary of the State of U.P. and the Principal Secretary, Department of Medical Education, Government of Uttar Pradesh before this Court, stating that a comprehensive report has been prepared regarding the deficiencies which have been pointed out by the MCI, and the date and time within which the same would be rectified. The Principal Secretary, Department of Medical Education, Government of Uttar Pradesh and the State Government are committed to take the measures and steps to rectify the remaining deficiencies as soon as possible.

We hereby direct that in view of the undertakings submitted by the Principal Secretary of each of the three States, permission is granted to the aforesaid Government Medical Colleges for admission to the MBBS course for the current academic year 2018-19. The seats in the aforesaid Government Medical Colleges will be included in the seat matrix, for which counseling is scheduled to take place on 19th June, 2018.

The MCI shall carry out an inspection after three months to verify that the State Governments have in fact

carried out compliance to rectify the deficiencies pointed out. If the deficiencies are not removed within the period specified, the Principal Secretary of each of the States will be held personally responsible for non-compliance with the Orders passed by this Court.

The Order passed in the present Writ Petitions will not be treated as a precedent, as the same are being passed in the peculiar facts and circumstances of the case, as otherwise over 800 seats in Government Medical Colleges would get wasted.

The Writ Petitions will remain pending for compliance. Post these petitions on 25th September, 2018 for further proceedings.

(ANITA MALHOTRA)
COURT MASTER

(RAJINDER KAUR)
BRANCH OFFICER