

A MEDICAL COUNCIL OF INDIA

v.

MEDICITI INSTITUTE OF MEDICAL SCIENCES (MIMS) &
ORS.

B (Civil Appeal Nos. 13957-13958 of 2015)

DECEMBER 01, 2015

[ANIL R. DAVE AND ADARSH KUMAR GOEL, JJ.]

C *Education/Educational Institution:*

Medical College – MBBS course – Application by Medical Institute-respondent no.1 – Seeking renewal of permission for increase in admission capacity of MBBS students for the academic year – Pursuant thereto inspection of Medical Institute – Certain deficiencies found and decision taken by Committee not to renew the permission for admission of increased students – Communication of the said decision to respondent no. 1 – Another inspection carried out, deficiencies found and the same decision conveyed – Writ petition challenging the said decision – Direction by High Court to Medical Council of India-appellant to conduct a re-inspection of respondent no.1-institute – On appeal, held: If infrastructure of any training institute is not sufficient to train and groom its students, even if they pass out at the final examination, may not turn out to be good professionals – Once the apex body supervising education in the field of medicine has set-up a particular set of standards, it would not be proper on the part of the judiciary to direct that body to digress from the standards so fixed – Since all the norms had not been fulfilled, which were necessary for the purpose of grant of permission to have 50 additional students, the High Court was not justified in directing the appellant to have additional inspection – Direction by the High Court was also not in consonance with the schedule of dates fixed – Thus,

the direction given by the High Court is set aside – A
Establishment of Medical College Regulations, 1999.

Manohar Lal Sharma v. Medical Council of India
(2013) 10 SCC 60 : 2013 (9) SCR 325; Royal
Medical Trust (Regd.) and Anr. v. Union of India & B
Anr. (2015) 9 SCALE 68 – referred to.

Case Law Reference

2013 (9) SCR 325 referred to **Para 14**
(2015) 9 SCALE 68 referred to **Para 17** C

CIVIL APPELLATE JURISDICTION: Civil Appeal Nos.
13957-13958 of 2015.

From the Judgment and Order dated 13.08.2015 of the D
High Court of Delhi at New Delhi in Writ Petition (C) No. 7101
of 2015 & C. M. No. 13021 of 2015.

Vikas Singh, Sr. Adv., Gaurav Sharma, Prateek Bhatia
for the Appellant. E

Dr. Rajiv Dhawan, Nidhesh Gupta, Sr. Advs., A. Ramesh,
Amit Kumar, Ankit for the Respondents.

The Judgment of the Court was delivered by
ANIL R. DAVE, J. 1. Leave granted. F

2. Heard the learned counsel appearing for the parties.
Looking at the facts of the case and at the request of the learned
counsel appearing for the parties, it was decided to hear the
appeals expeditiously. G

3. A short issue that has come up for consideration in
these appeals is whether it was open to the High Court to give
a direction to the Medical Council of India (for short, the MCI)-
the appellant herein, by its order dated 13.08.2015, to conduct H

A a re-inspection of Respondent no.1 institute. The said direction was given in relation to an application made by Respondent no.1 for renewal of permission for increase in admission capacity of MBBS students from 100 to 150 for the academic year 2015-16.

B

4. Respondent no.1 is a hospital-cum-medical college, which had been formerly granted permission to teach 100 MBBS students per academic year. From 2012-2013, respondent no.3 had permitted increase in intake capacity from 100 to 150 MBBS students. For the academic year 2013-14, respondent no.3 had renewed the said permission. Respondent no.1 wanted to get the said permission renewed for the academic year 2014-15 and therefore, it had submitted an application, as prescribed under the Establishment of Medical College Regulations, 1999. The said application had been rejected as the Executive Committee of the MCI found certain deficiencies in the functioning of Respondent no.1 institute. Some litigation had taken place with regard to the said rejection, but the said rejection is not much relevant for the present petition.

E

5. For renewal of the said permission for additional 50 MBBS students for the academic year 2015-16, another application was made by respondent no.1 and in pursuance of the said application, an inspection of Respondent No.1 institute had taken place on 5th and 6th December, 2014 by the MCI and at the time of said inspection, following deficiencies had been noted by the representatives of the MCI:

F

- G
1. *Deficiency of faculty is 10% as detailed in report.*
 2. *Shortage of Residents is 16.5% as detailed in report.*
 3. *Common Room for Girls is in corridor and requires improvement.*
- H

4. *O.T.: There are 15 tables in 11 O.T.s indicating more than 1 table in several O.T.s which is not as per norms.* A

5. *Other deficiencies as pointed out in the assessment report."* B

6. Report of the aforestated inspection, which had taken place on 5th and 6th December, 2014, was placed before the Executive Committee of the MCI on 13th January, 2015 for its consideration. The aforestated deficiencies were found by the Executive Committee of the MCI of serious nature and therefore, the Committee decided "to recommend to the Central Government not to renew the permission for admission of 4th batch of MMBS students against the increased intake i.e. from 100 to 150" students of Respondent no.1 and the said decision was communicated to Respondent no.1 by the MCI under its letter dated 21st January, 2015. C D

7. Though not much relevant, it is pertinent to note that in pursuance of some litigation which had taken place in the meantime, Respondent no.1 gave admission to 50 additional students to MBBS course for the academic year 2014-15 on the basis of an undertaking given to this Court. Thus, in fact, 150 students were given admission to MBBS course for the academic year 2014-15. The said undertaking was ultimately found to be incorrect by the MCI. E F

8. Respondent no.1 institute had thereafter addressed a letter dated 14th February, 2015 to the MCI, wherein it was claimed that the deficiencies which had been found by the MCI at the time of inspection of Respondent no.1, which had taken place on 5th and 6th December, 2014, had been removed. Respondent no.1 was also given a personal hearing by respondent no.3. G

9. Respondent no.3 had requested the MCI to reconsider H

A the case of Respondent no.1 institute and in pursuance of the
said request, the assessors of the MCI had carried out another
inspection on 8th May, 2015 and submitted the report of
inspection to the Executive Committee of the MCI. Even at
the time of inspection, which had taken place on 8th May, 2015,
B several deficiencies had been found and therefore, ultimately
on 13th May, 2015, the Executive Committee of the MCI
decided to recommend to the Central Government not to renew
the permission for admission of 4th batch of increased MBBS
students from 100 to 150 under Section 10A of the IMC Act,
C 1956 for the academic year 2015-16. The said decision had
been communicated by Respondent no.3 to Respondent no.1
under letter dated 15th June, 2015.

D 10. In the aforesaid circumstances, the application for
increase in intake of 50 MBBS students had been rejected.

E 11. Aggrieved thereby, Respondent No.1 filed Writ
Petition (C) No.7101 of 2015 before the High Court of Delhi
challenging the communication dated 15.6.2015 made to
Respondent No.1 by Respondent No.3, whereby the
application made by Respondent No.1 for increasing intake
i.e. from 100 to 150 seats for academic session 2015-16 had
been finally rejected. In the said petition, the impugned order
dated 13.08.2015 has been passed, whereby the present
F Appellant-the MCI has been directed to carry out another
inspection to find out whether the deficiencies found at an
earlier point of time have been removed.

G 12. Being aggrieved by the aforesaid order passed
by the High Court, the Appellant has approached this Court
with a prayer that the said interim direction be quashed, as
according to the Appellant, Respondent no.1 cannot be
permitted to have 50 more students for academic year 2015-
16.

H

13. In the aforesaid circumstances, present appeals have been filed before this Court and upon hearing the learned counsel appearing for the parties, we are of the view that the High Court has committed an error by directing the Appellant to carry out another inspection.

14. Looking at the fact that the norms set up by the Appellant had not been fulfilled by Respondent No.1, in our opinion, it would not be just and proper to constrain the Appellant to carry out one more inspection which is not warranted under any legal provision. It is a well-known fact that if infrastructure of any training institute is not sufficient to train and groom its students, the students, even if they pass out at the final examination, may not turn out to be good professionals. At this juncture, we think it proper to quote what this Court has said in Manohar Lal Sharma vs. Medical Council of India (2013) 10 SCC 60:

"26. We have already dealt with, in extenso, the deficiencies pointed out by the MCI team in its report dated 6-7-2013. In our view, the deficiencies pointed out are fundamental and very crucial, which cannot be ignored in the interest of medical education and in the interest of the student community. MCI and the College authorities have to bear in mind, what is prescribed is the minimum, if MCI dilutes the minimum standards, they will be doing violence to the statutory requirements. MCI is duty-bound to cancel the request if fundamental and minimum requirements are not satisfied or else the College will be producing half-baked and poor quality doctors and they would do more harm to the society than service. In our view, the infirmities pointed out by the inspection team are serious deficiencies and the Board of Governors of MCI rightly not granted approval for renewal of permission for the third batch of 150 MBBS students for the academic year 2013-2014."

A 15. Looking at the aforesaid observations made by this
Court and in view of the fact that all the norms had not been
fulfilled, which were necessary for the purpose of grant of
permission to have 50 additional students, in our opinion, it
was not just and proper on the part of the High Court to direct
B the Appellant to have additional inspection.

16. Once the apex body supervising education in the field
of medicine has set-up a particular set of standards, it would
not proper on the part of the judiciary to direct that body to
C digress from the standards so fixed. In the circumstances, we
are of the view that the direction given by the High Court is not
proper.

17. We have further noted the fact that the law with regard
D to grant of permission to a medical college or with regard to
permission for having additional students is regulated by the
Establishment of Medical College Regulations, 1999. We
have duly considered the said Regulations in the case of **Royal**
Medical Trust (Regd.) and Anr. Vs. Union of India & Anr.
E (2015) 9 SCALE 68. This Court has prescribed a time
schedule which is to be followed by all authorities concerned
either for giving permission for establishment of a new medical
college or for the purpose of increasing the strength of students.
The direction given by the High Court is also not in consonance
F with the said schedule of dates fixed by this Court and therefore
also, in our opinion, the said direction is not justifiable.

18. For the aforesaid reasons, we set aside the
direction given by the High Court dated 13.8.2015, whereby
G the Appellant has been asked to carry out inspection of
Respondent no.1 institute and therefore, allow these appeals
with no order as to costs.