

No U-12012/141/2015-ME (P-II)
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare

Nirman Bhawan, New Delhi-11
Dated 16th July, 2015

ORDER

Subject: Establishment of new Medical College at Chandrapur by Government of Maharashtra with an annual intake of 100 MBBS students for the academic year 2015-16-Reg.

Whereas, this Ministry vide its letter dated 15.06.2015 disapproved the scheme for establishment of new medical college at Chandrapur, Maharashtra by Government of Maharashtra with an annual intake of 100 MBBS students for the academic year 2015-16 on the basis of recommendation made by Medical Council of India under the provision of IMC Act, 1956 and Regulations made thereunder.

2. And whereas, aggrieved by the decision of disapproval of the scheme by this Ministry, a Writ Petition No.3562 of 2015 was filed in the High Court of Judicature at Bombay, Nagpur Bench, Nagpur by Shri Prakash Shrawanji Itankar and another Vs. State of Maharashtra and others. The Hon'ble High Court vide its order dated 08.07.2015 has directed this Ministry to approve the scheme for establishment of new medical college at Chandrapur by Government of Maharashtra with an annual intake of 100 MBBS students for the academic year 2015-16 within a week from the date of the order i.e. 08.07.2015.

3. And whereas, the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in para 30 of its judgment dated 08.07.2015 has referred to the following para number 78.4 of the judgment of Apex Court in the case of Priya Gupta Vs. State of Chhattisgarh and others:

"With all the humility at our command, we request the High Courts to ensure strict adherence to the prescribed time schedule, process of selection and to the rule of merit. We reiterate what has been stated by this Court earlier, that except in very exceptional cases, the High Court may consider it appropriate to decline interim orders and hear the main petitions finally, subject to the convenience of the Court. We may refer to the dictum of this Court in Medical Council of India Vs. Rajiv Gandhi University of Health Sciences, SCC para 14 in this regard."

The Hon'ble High Court has then gone in to give a finding that the case falls under exceptional circumstances

4. And whereas, the Medical Council of India has filed an SLP (C) No 19504 of 2015 in the Hon'ble Supreme Court against the order dated 08.07.2015 of Hon'ble High Court, which is pending.

5. And whereas, the deadline for approving the Government Medical College at Chandrapur for the acadmic session 2015-16 as per Hon'ble High Court's order was 15.07.2015,

6. Now therefore, in compliance of the Hon'ble High Court's direction, it has been decided to issue Letter of Permission for establishment of a Medical College at Chandrapur, Maharashtra with an annual intake of 100 MBBS students for the acadmic year 2015-16, subject to following terms and conditions:

- (i) This permission is subject to the outcome of SLP(C) No. 19504 of 2015 filed the Medical Council of India in Hon'ble Supreme Court.
- (ii) This permission of the Central Government is accorded initially for a period of one year and will be renewed on yearly basis subject to the verification of the achievement of annual targets as indicated in the scheme submitted by the institute and regulations made in this regard. This process of renewal of permission will continue till such time the establishment of medical college and expansion of hospital facilities are completed.
- (iii) The applicant should provide all infrastructural facilities in terms of teaching and non-teaching staff, buildings, equipment and hospital facilities as per Medical Council of India norms as notified from time to time.
- (iv) The State Government shall provide the requisite undertaking as per MCI's norms to provide funds in their plan budget to make the requisite facilities fully functional in a time bound manner.
- (v) Admissions made in violation of the above conditions will be treated as irregular and shall be laible for action under IMC Act, 1956 & Regulations mader thereunder.



(Sudhir Kumar)

Under Secretary to the Govt. of India

Ph.011-23062959

Copy to:

1. The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi - 75.
2. The Secretary, Health & Family Welfare, Government of Maharashtra, State Secretariat, 10th Floor, B Wing, GTB Hospital Complex Building, Mumbai 400001, Maharashtra.
3. The Registrar, Maharashtra University of Health Sciences, Dindori Road, Mhasrul, Nashik, Maharashtra 422003.
4. The Director, Department of Medical Education & Drugs, Mantralay, Mumbai-400032, (Maharashtra).
5. ADG(ME), Dte.GHS, Nirman Bhawan, New Delhi.