

No.U.12012/723/2015-ME - I [311133]

Government of India

Ministry of Health & Family Welfare  
(Department of Health & Family Welfare)

Nirman Bhawan, New Delhi-11

Dated the 30<sup>th</sup> August, 2017.**ORDER**

Subject: Conditional permission granted for establishment of Medical College in 2016-17 -Decision of the Central Government-Advanced Institute of Medical Sciences, Bhopal- reg.

Whereas the Advance Medical Sciences & Educational Society, Bhopal made application for establishment new medical college at Bhopal Madhya Pradesh in the name and style of **Advanced Institute of Medical Sciences** for the academic session 2016-17 to the Ministry. The Ministry forwarded the application to MCI for evaluation and making recommendation to the Ministry u/s 10 A of IMC Act, 1956 for the academic session 2016-17;

2. Whereas the Medical Council of India (MCI) conducted assessment of the college on 11<sup>th</sup> & 12<sup>th</sup> December, 2015 and the assessment report was considered by the Executive Committee of MCI in its meeting held on 28.12.2015 and following was noted:

1. Deficiency of faculty is 56.92 % as detailed in report.
2. Shortage of Residents is 73.91 % as detailed in report.
3. Medical Superintendent is not available.
4. Bed Occupancy was ZERO % - i.e. there was NIL patient in any ward.
5. There was no patient anywhere in the hospital during the period from 10:15 a.m. to 10:30 a.m. on 1st day of assessment.
6. There was NIL Major & NIL Minor operation on day of assessment.
7. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
8. Radiological & Laboratory investigations workload is grossly inadequate.
9. Workload of Histopathology & Cytopathology was NIL on day of assessment.
10. Wards: Ancillary facilities like Demonstration room, Duty room & Pantry are not available in any ward. Examination cum Treatment Room is available in a few wards only. Some wards do not have Nursing Station.
11. O.T.s: Not a single O.T. was functional on day of assessment. Equipment like Infusion Pumps, Defibrillator are not available. Last list of Ophthalmology was prepared on 23/09/2015 & of ENT was prepared on 21/07/2015.
12. ICUs: There was NIL patient in ICCU or any ICU on day of assessment. Equipment is grossly inadequate as detailed in report.
13. Blood Bank is non-functional.
14. CSSD: Receiving & Distribution points are not separate. ETO Sterilizer is not available.
15. OPD data as given by institute are highly inflated.
16. MRD is partly computerized.
17. Casualty: Ventilator is not available.
18. It is not specified which department controls Central Clinical laboratory.
19. Canteen is not available.
20. Anatomy department: Cadavers are not available.
21. Intercom is not available.



3. Whereas, based on the above, the MCI vide letter dated 30.12.2015 recommended to the Central Govt. not to issue Letter of Permission for establishment of New Medical College at Bhopal, Madhya Pradesh by Advance Medical Sciences & Educational Society, Bhopal u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

4. Whereas, u/s 10 A (4) of IMC, Act, 1956, the Ministry afforded an opportunity of hearing to the college before a Hearing Committee on 10.2.2016 and the Hearing Committee recommended to accept the recommendation of MCI for disapproval. Subsequently compliance verification assessment was carried out by MCI on 02.02.2016. The Executive Committee of the Council in its meeting held on 13.05.2016 considered the assessment report (02.02.2016) and noted the following:-

1. Deficiency of faculty is 29.23 % as detailed in the report.
2. Shortage of Residents is 43.47 % as detailed in the report.
3. Most of Senior Residents are not residing in the hostel.
4. Bed occupancy was 20 % on day of assessment.
5. OPD attendance is only 446 which is inadequate.
6. In case of Dr. Rajesh Gattani, Professor of General Surgery, Dr. Preeti Gattani, Professor of O.G. and Dr. Vikas Trehan, Asst. Prof. of Anaesthesiology, it was observed that there was false signature in attendance sheet. They were absent during head counting.
7. In General Medicine, General Surgery, Orthopaedics, ENT wards, many non-genuine patients with minor complaints were admitted. Many patients did not have relevant complaints in case paper as well as treatment and investigation record.
8. Blood Bank is not functional.
9. Casualty: It was empty at 10:30 a.m. There were only 4 registered patients.
10. Wards: There are no Demonstration rooms, Pantry, Store room, Examination cum Treatment room Doctors' duty room, Nursing station in many wards. Deficiency remains as it is.
11. ICUs: ICCU, MICU & SICU has only 1 Ventilator. In PICU & NICU only basic equipment is available. There was only 1 patient in PICU, NICU on day of assessment. In PICU, operated patient of Hydrocele without any serious complication was kept. (Mr. P.N. Vishwakarma, IPD # 10633)
12. Intercom facility is not available. Deficiency remains as it is.
13. Central Clinical Laboratory has only OPD collection. There is no indoor collection.
14. There was only 1 Major & 1 Minor operation on day of assessment.
15. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
16. Radiological & Laboratory investigation workload is inadequate.
17. In Serology, Haematology, Cytopathology & Histopathology laboratories, false entry & reporting were observed.
18. Unit-wise bed distribution is not there.
19. CSSD had dispatched only 1 Drum & 3 Trays on day of assessment which is inadequate.

5. Whereas the MCI vide letter dated 14.05.2016 returned the application for establishment of a new medical college at Bhopal, Madhya Pradesh by Advance Medical Sciences & Educational Society, Bhopal to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-2017;

6. Whereas the Ministry accepted the recommendation of MCI and disapproved the application of the college for establishment of new college for the academic session 2016-2017 vide letter dated 08.6.2016;

7. Whereas on OC directive, the Ministry obtained compliance from the college afresh and forwarded it to MCI. MCI returned the compliances citing various reasons. Ministry forwarded the reply of MCI to OC;

8. Whereas the Supreme Court Mandated Oversight Committee on MCI (OC) approved the scheme of establishment of new Medical College at Bhopal, Madhya Pradesh by Advance Medical Sciences & Educational Society, Bhopal in name & style of **Advanced Institute of Medical Sciences** with an annual intake of 150 for the academic year 2016-17 on certain conditions;

9. Whereas the Central Government on the approval of the OC issued necessary Letter of Permission on 12.09.2016 to Advance Medical Sciences & Educational Society, Bhopal for the establishment of new Medical College at Bhopal, Madhya Pradesh for the academic year 2016-17 with conditions imposed by the OC;

10. Whereas as per the conditions laid down in the Letter of Permission an assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI on 04<sup>th</sup> & 05<sup>th</sup> January, 2017;

11. Whereas the assessment report (04<sup>th</sup> & 05<sup>th</sup> January, 2017) was considered by the Executive Committee of MCI at its meeting held on 13.01.2017 and noted the following deficiencies:-

1. Deficiency of faculty is 30.76 % as detailed in the report.
2. Physical attendance registers of the faculty were not available in Dean's office. Attendance was marked by a few faculty for the previous day.
3. Shortage of Residents is 80.43 % as detailed in the report.
4. Many Residents are not staying in the Residents' hostel.
5. OPD attendance was < 250 against requirement of 600. At the time of taking round, only 08 patients were seen in OPD.
6. Bed Occupancy was 25.66 % on day of assessment at 10 a.m.
7. Out of 25.66% indoor patients, many patients did not appear genuine it seems that some workers/staff members without any medical illness were lying on the beds. No personal belongings, attendant or medicines were there. One patient Daulat Singh M 26 years admission number 10186 was admitted on 02.01.2017 and follow up doctor's treatment notes were not recorded on the case sheet on the day of assessment. One patient Bhagwan male 50 years admission No.10193 admitted on 02.10.2017 but no doctor's treatment follow up notes for the 04.1.2017 was available (copy of the case sheet are enclosed).
8. There were only 3 Major Operations on day of assessment.
9. During the round in teaching staff quarters it was found that BG-4 was allotted to Four faculty namely Dr. Faizan Chitapuri, Dr.Ankit Kumar Shah, Dr. Pawan Kumar Gupta and Dr.Brij Mohan Gupta but quarter was fully vacant and nobody was staying there.
10. Nursing and Paramedical & Non-teaching staff are inadequate.
11. Salary statements of faculty & other staff were not provided in spite of repeated reminders.

12. Medical college campus is not unitary but divided in 2 parts by a State public road. One piece of land admeasuring 23 Acres accommodates college building, hospital and hostels; second piece admeasuring 2 Acres only accommodates staff quarters.
  13. Laboratory investigation workload is less. Histopathology is outsourced.
  14. OPD: Cancer Detection clinic is not available in OG OPD.
  15. Casualty: Separate Casualty for O.G. is not available.
  16. ICUs: There was NIL patient in SICU and NICU/PICU.
  17. Only 1 USG is available against requirement of 2. PNDT certificate for USG is required.
  18. Blood Bank: No unit was dispensed on day of assessment.
  19. CSSD: Receiving & Distribution points are not separate.
  20. Lecture Theaters: Audiovisual aids are available in 1 Lecture Theater only.
  21. Central Library: It is not air-conditioned.
  22. Common Rooms for Boys & Girls: Designated area is a single big hall without partition and without furniture.
  23. Students' Hostel: Visitors' room, A.C. Study room with Computer & Internet are not available.
  24. Nurses' Hostel: Facilities are inadequate. No Nurses are residing here. On visit it was observed that a few labourers were staying there.
  25. Residential Quarters: 11 quarters are available for faculty against 14 required; even these quarters are not available in the main campus. NIL quarters are available for Non-teaching staff.
  26. Anatomy department: Only 60 specimens are available. Only 5 cadavers are available.
12. Whereas, the MCI vide letter dated 15.01.2017 has informed and recommended to the Ministry as under:

The Executive Committee further noted the clause 2(2) of Establishment of Medical College Regulations, 1999 amended vide Notification dated 04.06.2012 which reads as under:-

"...2. IN the "Establishment of Medical College Regulations, 1999", as amended vide notification dated 14.10.2011, in clause 2(2) under the heading "QUALIFYING CRITERIA" the following shall be added after the third paragraph:-

"Provided further for a period of five years in the states of Bihar, Chattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal, establishment of medical college shall be allowed on two pieces of land comprising minimum of 20 (twenty) acres of land. However, one plot of land shall not be less than 10 (ten) acres and the second plot of land shall also be not less than 5(five) acres. The distance between two pieces of land shall not be more than 10 (ten) kilometers with well connected road and free transportation facility for students and staff. The hospital should be on one piece of land and the building of the college including library and hostels for the students, intern, Pgs/Residents, nurses may be housed on any of the two pieces of land. The said hospital should be functional for atleast 3 years.

The above relaxation shall not be available to a person seeking permission to establish a medical college in a District in above states where two or more medical colleges are already in existence."

The Executive Committee noted that the above criteria has not been fulfilled by the applicant institution as the medical college campus is not unitary. Medical college campus is not unitary but divided in 2 parts by a State public road. One piece of land admeasuring 23 Acres accommodates college building, hospital and hostels; second piece admeasuring 2 Acres only accommodates staff quarters. It is further noted that the hospital has been established in July, 2014 as per Essentiality Certificate dated 16.1.2015 issued by the State Govt. of Madhya Pradesh as well the certificate dated 5.1.2017 provided by the Dean of the Institution which states that hospital was started only since 5th Dec. 2014 and therefore was not functional for 3 years at the time of submission of application i.e.28.08.2015.

In view of above as the applicant has failed to meet the qualifying criteria u/s 3(2)(2) of Establishment of Medical College Regulations, 1999 it is not entitled to establish a new medical college at Bhopal and also as the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per the directions passed by the Supreme Court mandated Oversight Committee and communicated vide Ministry of Health & F.W. letter dated 12/09/2016 [para 1 (i)]. The Executive Committee, after due deliberation and discussion, has decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee and communicated vide Ministry of Health & F.W. letter dated 12/09/2016 [in para 2(b)], the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Bhopal, Madhya Pradesh by Advanced Medical Science and Educational Society under Madhya Pradesh Medical University, Jabalpur, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 12/09/2016 is liable to be encashed.

The Executive Committee further noted that the grant of Letter of Permission by the Central Government on the directives of Oversight Committee has been without fulfilling the Qualifying Criteria of Establishment of Medical College Regulations, 1999 pertaining to hospital being functional for 3 years at the time of making application. Accordingly, the Executive Committee decided to recommend to the Central Govt. to revoke the Letter of Permission granted on 12.09.2016.

13. Whereas the Ministry decided to grant a personal hearing to the College on 08.02.2017 by the DGHS. The Hearing Committee after conducting the oral and written submission of the College, submitted its report to the Ministry. In its report, the Hearing Committee observed as under:

Srl. No.	Deficiencies reported by MCI	Observations of hearing committee
i.	Deficiency of faculty is 30.76 % as detailed in the report.	No satisfactory justification for deficiencies
ii	Physical attendance registers of the faculty were not available in Dean's office. Attendance was marked by a few faculty for the previous day.	
iii	Shortage of Residents is 80.43 % as detailed in the report.	
iv	Many Residents are not staying in the Residents' hostel.	

v	OPD attendance was < 250 against requirement of 600. At the time of taking round, only 08 patients were seen in OPD.
vi	Bed Occupancy was 25.66 % on day of assessment at 10 a.m.
Vii	Out of 25.66% indoor patients, many patients did not appear genuine it seems that some workers/staff members without any medical illness were lying on the beds. No personal belongings, attendant or medicines were there. One patient Daulat Singh M 26 years admission number 10186 was admitted on 02.01.2017 and follow up doctor's treatment notes were not recorded on the case sheet on the day of assessment. One patient Bhagwan male 50 years admission No.10193 admitted on 02.10.2017 but no doctor's treatment follow up notes for the 04.1.2017 was available (copy of the case sheet are enclosed).
Viii	There were only 3 Major Operations on day of assessment.
ix	During the round in teaching staff quarters it was found that BG-4 was allotted to Four faculty namely Dr. Faizan Chitapuri, Dr.Ankit Kumar Shah, Dr. Pawan Kumar Gupta and Dr.Brij Mohan Gupta but quarter was fully vacant and nobody was staying there.
X	Nursing and Paramedical & Non-teaching staff are inadequate.
xi	Salary statements of faculty & other staff were not provided in spite of repeated reminders.
Xii	Medical college campus is not unitary but divided in 2 parts by a State public road. One piece of land admeasuring 23 Acres accommodates college building, hospital and hostels; second piece admeasuring 2 Acres only accomodates staff quarters.
Xiii	Laboratory investigation workload is less. Histopathology is outsourced.
Xiv	OPD: Cancer Detection clinic is not available in OG OPD.
Xv	Casualty: Separate Casualty for O.G. is not available.
Xvi	ICUs: There was NIL patient in SICU and NICU/PICU.
Xvii	Only 1 USG is available against requirement of 2. PNDT certificate for USG is required.
Xviii	Blood Bank: No unit was dispensed on day of assessment.
Xix	CSSD: Receiving & Distribution points are not separate.
Xx	Lecture Theaters: Audiovisual aids are available in 1 Lecture Theater only.
Xxi	Central Library: It is not air-conditioned.
xxii	Common Rooms for Boys & Girls: Designated area is a single big hall without partition and without furniture.

xxiii	Students' Hostel: Visitors' room, A.C. Study room with Computer & Internet are not available.	
Xxiv	Nurses' Hostel: Facilities are inadequate. No Nurses are residing here. On visit it was observed that a few labourers were staying there.	
xv	Residential Quarters: 11 quarters are available for faculty against 14 required; even these quarters are not available in the main campus. NIL quarters are available for Non-teaching staff.	
xvi	Anatomy department: Only 60 specimens are available. Only 5 cadavers are available.	

14. Whereas, the Ministry forwarded the Hearing Committee report to the OC for guidance. The OC vide its letter dated 14.05.2017 conveyed their following views to the Ministry:-

- (i) Faculty:- 13 faculty have reported late (SAF 3.15) and 2 have not been considered eligible for want of experience and research publication. Considering 13 + 5 (on sanctioned leaves) faculty into computation, deficiency is 3.07%, which is within norms.
- (ii) Physical attendance:- This is a new assessment criterion. The statement of the College is acceptable.
- (iii) Residents:- 10 Residents have not been considered since they reported late and the other 25 were working in different surgical/lab/emergency areas. Considering these 35 residents, the deficiency would be 4.34%, which is within norms.
- (iv) Hostel:- The hostel facility is available.
- (v) Bed Occupancy:- Clarification given by the College is acceptable.
- (vi) Genuineness of patients:- This deficiency is subjective.
- (vii) Operations:- Clarification given by the College is acceptable. The deficiency is subjective. No MSR
- (viii) BG-4:- This deficiency did not exist in the earlier assessments.
- (ix) Nursing and paramedical & Non-teaching staff:- This deficiency did not exist in the earlier assessments.
- (x) Salary statements:- Clarification given by the College is acceptable.
- (xi) Medical College campus is not unitary:- 23 acres of land is available as a single unit, which is more than the requirement of 20 acres.
- (xii) Lab investigation work load:- This deficiency is subjective. No MSR
- (xiii) O.P.D cancer detection clinic:- This deficiency did not exist in the earlier assessment. This deficiency is subjective. No MSR.
- (xiv) Separate causality of OG:- This deficiency did not exist in the earlier assessment. This deficiency is subjective. No MSR.
- (xv) SICU and NICU/PICU:- This deficiency is subjective. No MSR.
- (xvi) USG, PNDT :- Clarification given by the College is acceptable.
- (xvii) Blood Bank:- This deficiency did not exist in the earlier assessment. This deficiency is subjective. No MSR.
- (xviii) CSSD:- This deficiency did not exist in the earlier assessment.
- (xix) AV aids:- This deficiency did not exist in the earlier assessment.
- (xx) Central Library:- This deficiency did not exist in the earlier assessment. This deficiency is subjective. No MSR.
- (xxi) Common rooms:- This deficiency did not exist in the earlier assessment.

- (xxii) Students hostel:- This deficiency is subjective. No MSR.  
(xxiii) Nurse's hostel:- This deficiency is subjective. No MSR.  
(xxiv) Quarters:- This deficiency did not exist in the earlier assessments. Clarification given by the College is acceptable.  
(xxv) Specimens in Anatomy dept.:- This deficiency is subjective. No MSR.  
(xxvi) OPD attendance:- Clarification given by the College is acceptable.

LOP confirmation is subject to the outcome of the decision of Hon'ble National Green Tribunal, Central Zone Bench, Bhopal in OA No.16/2015 - Prem Dhingra vs.-M/s Advanced Medical Science and Educational Society and others. OC letter No. OC/Adv. Medical Science and Education Society/2017/180 dated 17 April 2017 addressed to MHFW may be referred in this connection

15. Whereas the Ministry decided to accept recommendation of MCI since the College was found deficient in MCI inspection. Accordingly, Ministry vide letter dated 25.07.2017 debarred the College for two years and authorized the MCI to encash the Bank Guarantee of Rs. 2 Crore.

16. Whereas the college filed W.P (C) No 12138/2017 in the Hon'ble High Court of Madhya Pradesh at Jabalpur and the Hon'ble Court gave the following direction on 17.08.2017:-

**....19. In view of the aforesaid, while the impugned order dated 25.7.2017 is hereby quashed and the matter is remitted back to the respondent no.1 to reconsider the matter afresh in terms of the observations made by this Court in the preceding paragraphs, the prayer of the petitioners for permitting them to make admissions pending result of the aforesaid exercise is hereby rejected. However, looking to the urgency in the matter and the fact that the time table prescribed by the Supreme Court has to be strictly followed, it is directed that the aforesaid exercise shall be taken up and completed by the respondent no.1 within a period of one week from the date of furnishing a certified copy of this order.**

17. Now, in compliance with the above direction of High Court dated 17.8.2017, the Ministry granted hearing to the college on 24.8.2017. The Hearing Committee after considering the record and submission of the college submitted its report to the Ministry. The findings of Hearing Committee are as under:-

**"Acute deficiencies of faculty, residents, clinical material and infrastructure have been pointed out in the MCI assessment. The college could not produce conclusive documentary evidence in support of their assertions. The college claim of 05.01.2017 being a gazetted holiday on account of Guru Govind Singh Jayanti would not hold as the first day of inspection on which verification of faculty/residents takes place was 04.01.2017.**

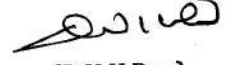
**The college could not respond with proof to the objection that though they possess 23 acres of unitary campus, the quarters for teaching faculty are located in the other plot of 2 acres.**

**The copy of order dated 15.05.2017 passed by the Hon'ble NGT was not very clear. However, it does not indicate any relief being granted to the college.**

**In view of the deficiencies as exists, the Committee agrees with the decision of the Ministry vide letter dated 08.06.2017 to debar the college for two years and also permit MCI to encash bank guarantee."**



18. Accepting the recommendations of the Hearing Committee, the Ministry reiterates its earlier decision dated 25.07.2017 to debar the **Advanced Institute of Medical Sciences**, Bhopal from admitting students for two academic years i.e. 2017-18 & 2018-19 and authorize the MCI to encash the Bank Guarantee of Rs. 2.00 Crore;



(D V K Rao)

Under Secretary to the Govt. of India  
Telefax: 011-23062959

To

The Chairman/Secretary,  
Advanced Institute of Medical Sciences,  
Kolar Road, Bhopal,  
Madhya Pradesh-462042

Copy to:

- 1 The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi.
- 2 The Principal Secretary (Medical Education), Government of Madhya Pradesh, Room No. 241, Mantralaya ( Vallav Bahavan), State Secretariat, Bhopal, 462004, M.P
- 3 The Registrar, MPMSU, Jabalpur Madhya Pradesh - 482003.
- 4 The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi.