

No.U.12012/1024/2014-ME - I [114447]

Government of India

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

Nirman Bhawan, New Delhi-11

Dated the 19<sup>th</sup> August, 2017.**ORDER**

Subject: Establishment of new medical college at Rampur, Uttar Pradesh (Jauhar Institute of Medical Sciences, Rampur) by Maulana Mohammad Ali Jauhar Trust, Rampur, Uttar Pradesh with an annual intake of 150 MBBS students under Mohammad Ali Jauhar University, Rampur u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

Whereas the Maulana Mohammad Ali Jauhar Trust, Rampur, Uttar Pradesh made application for establishment new medical college at Durgapur in the name & style of Jauhar Institute of Medical Sciences, Rampur for the academic session 2017-18 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 2017-18;

2. Whereas the Medical Council of India (MCI) vide its letter dated 06.09.2016 returned the application recommending the Central Government to disapprove the scheme of establishment of new Medical College at Rampur by Maulana Mohammad Ali Jauhar Trust as the Trust did not submitted following papers with the application:-

- i. Form-5
- ii. Copy of State Act which Mohammad Ali Jauhar University was established
- iii. Copy of Balance Sheet for the year ending 31.03.2016

4. Whereas, u/s 10 A (4) of IMC, Act, 1956, the Ministry afforded an opportunity of hearing to the college before a personal hearing committee on 17.10.2016 and the compliance submitted during hearing was sent to the MCI for review as recommended by the Hearing Committee;

5. Whereas, an assessment to the proposed College was carried out by the Council's Assessors on 06<sup>th</sup> & 07<sup>th</sup> January, 2017. The assessment report (06<sup>th</sup> & 07<sup>th</sup> January, 2017) was considered by the Executive Committee at its meeting held on 13.1.2017 and noted the following:-



The Executive Committee of the Council considered the letter dated 06/01/2017 received from the appointed team of Council assessors and noted the following:-

1. The Principal/Dean of the Institute was not present and no other faculty members found present. Meanwhile, Vice Chancellor of the University met us. We informed him about the purpose of our visit. He expressed his inability to facilitate the assessment because of non-availability of faculties today i.e. on the day of assessment. Vice Chancellor handed over a letter for MCI to us which is enclosed herewith.
2. Therefore the LOP assessment could not be carried out and the assessment team returned.”

The Committee further perused the letter dated 06/01/2017 received from the Vice, Chancellor, Mohammad Ali Jauhar University, Rampur stating as under:-

“It is apprised that the MCI Assessors visited us on 06/01/18 (Friday) morning around 09.00 hrs. As per the charter of the visit, Assessors wanted to begin the assessment by marking the attendance of the faculty/clinical material. As Mohammad Ali Jauhar Institute of Medical Sciences is a minority Institution and University doesn't function on Friday, the assessment couldn't be done.

It was suggested that if possible the assessment may be postponed to begin on Saturday morning; the day University functions. However, the Assessors expressed to function in reference of the charter of MCI.

Hence the University has left with no option but to request for the postponement of assessment date with the request that MCI may not send their team on any Friday to met with the similar stalemate, considering that we are a minority institution.....”

5. Whereas the MCI vide letter dated 31.01.2017 recommending the Central Government to disapprove the scheme of establishment of new Medical College at Rampur by Mohammad Ali Jauhar Trust, Rampur for the academic year 2017-18.
6. Whereas the Ministry granted another hearing to the College on 20.02.2017 and Hearing Committee recommended to accept the recommendation of MCI dated 31.01.2017.
7. Whereas the Ministry accepted the recommendation of MCI and disapproved the applications of the college for establishment of new college at Rampur by Mohammad Ali Jauhar Trust for the academic session 2017-2018 vide letter dated 31.05.2017.



8. Whereas the college filed W.P (C) No. 424 of 2017 in the Hon'ble Supreme Court of India and the Hon'ble Court directed as under:-

*It is submitted by the learned Counsel for the petitioner that the order passed by the Government of India dated 31.05.2017 is not a reasoned one. Mr. Maninder Singh and Mr. Vikas Singh would submit that it is the first time, the College is seeking to have admission of the students and there has been no inspection. Be that as it may, as the order passed by the Central Government is not a reasoned one, we would require the Central Government to afford an opportunity of hearing to the petitioners and pass a reasoned order within four weeks hence.*

9. Now, in compliance with the above direction of Hon'ble Supreme Court, the Ministry granted hearing to the college on 16.08.2017. The Hearing Committee after considering the records and submission of the college submitted its report to the Ministry with the following findings:-

*The MCI team visited the college for surprise assessment on 06.01.2017 which was a Friday. The college contends that the University being a minority institution remains close on Friday. The college had offered MCI assessors to verify infrastructure on the first day i.e. 06.01.2017 and faculty and hospital services on the second day i.e. Saturday, 07.01.2017 when the University would reopen.*

*This was not accepted by the MCI team and they returned back.*


*The College requested that they should be offered one more chance of being assessed before granting disapproval for 2017-18. The college further informed that Friday holiday has been discontinued since.*

*The Committee observes that MCI does not conduct inspection on Sundays and on holidays on account of important festivals. Friday, except in case of festivals that may fall on it, is a working day as per Indian law.*

*The request of the college for re-inspection for 2017-18 is devoid of merit. The Committee agrees with the order for disapproval for establishment of the college for session 2017-18.*



10. Accepting the recommendations of the Hearing Committee, the Ministry reiterates its earlier decision dated 31.05.2017 to disapprove the scheme of establishment of new Medical College at Rampur by Mohammad Ali Jauhar Trust, Rampur for the academic year 2017-18;



(D V K Rao)

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

To

The Chairman/Secretary,  
Mohammad Ali Jauhar Trust,  
Rampur-244901,  
Uttar Pradesh.

Copy to:

1. The Principal Secretary,(Health & FW), Department of Health & Family Welfare, Govt. of Uttar Pradesh, 5th Floor, Room No.516, Vikas Bhawan, Lucknow-226001 (Uttar Pradesh).
2. The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi-75.
3. The Registrar, Dr. Ram Manohar Lohiya Awadh University, Faizabad, Uttar Pradesh.
4. The Director, Medical Education, Government of Uttar Pradesh, Lucknow, U.P.
5. The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi