

No.U.12012/723/2015-ME – I [3111330]

Government of India

Ministry of Health & Family Welfare

(Department of Health & Family Welfare)

Nirman Bhawan, New Delhi-11

Dated the 30th August, 2017.**ORDER**

Subject: Conditional permission for admission in fresh batch in MBBS course (100 to 150 seats) in respect of **Era's Medical College & Hospital, Lucknow**—Decision of the Central Government.

Whereas the **Era's Medical College & Hospital, Lucknow** made application to the Central Government for recognition of MBBS seats (100-150) awarded by Dr. RML Awadh University, Faizabad u/s 11(2) of IMC Act, 1956. The application was forwarded to the Medical Council of India (MCI);

2. Whereas the an assessment to assess the standard of examination held by Devi Ahilya Vishwavidyalaya, Indore and to assess the physical and the other teaching facilities available for recognition of **Era's Medical College & Hospital, Lucknow** for the award of MBBS degree granted by the Dr. RML Awadh University, Faizabad against the increased intake from 100 to 150 seats u/s 11(2) of IMC Act, 1956 were carried out by the Council's assessors on 03.03.2016 and 29th & 30th April, 2016. The Executive Committee at its meeting held on 13.05.2016 considered the assessment reports (03.03.2016 and 29th & 30th April, 2016) and noted the following:-

1. Deficiency of teaching faculty is 7.05 % as detailed in the report.
2. Shortage of Residents is 20.68 % as detailed in the report.
3. Wards: Psychiatry ward does not have Demonstration room or Pantry. Skin & VD ward does not have pantry.
4. Labour Room: There was no woman in labour room at 12 noon at time of visit.
5. O.T.: Facilities are in inadequate in Septic, Emergency & Ophthalmic O.T. as detailed in the report.
6. ICUs: There are no separate beds for SICU.
7. MEU: No programme was conducted last year in the institute on MET.
8. Common Room for Girls does not have attached toilet.
9. Nursing Hostel: There is no hostel as such. In 2nd, 3rd & 4th floor, there are 2 big halls on each floor; each such hall is divided into 8 cubicles with cloth curtain & in each such cubicle 4 Nursing students are staying which is not permissible.
10. RHTC: Vaccines are not available.

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to recognize/approve **Era's Medical College & Hospital, Lucknow** for the award of MBBS degree granted by Dr. R.M.L. Avath University, Faizabad against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.



Further the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of fresh batch of 100 to 150 MBBS students at **Era's Medical College & Hospital, Lucknow**, under Dr. R.M.L. Avath University, Faizabad, u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

The Executive Committee of the Council further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016.

The Council vide another letter dated 15.05.2016 issued the Show Cause Notice to the college authorities to explain as to why the Council should not proceed to recommend to the Central Govt. for withdrawal of recognition of MBBS degree/Postgraduate course of the institute and stoppage of admissions in permitted postgraduate course.

3. Whereas the Executive Committee of the Council decided to recommend the Central Government not to recognize/approve **Era's Medical College & Hospital, Lucknow** for the award of MBBS degree (100-150 seats) granted by Dr. RML Awadh University, Faizabad u/s 11(2) of the I.M.C. Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies. Further, the Council recommended the Central Government not to permit **Era's Medical College & Hospital, Lucknow** to admit students in MBBS course (100-150) for the year 2016-17. This decision of the Executive Committee was communicated to the Central Govt. vide MCI's letter dated 15.05.2016;
4. Whereas the Central Government vide its letter dated 10.06.2016 had conveyed its decision to the **Era's Medical College & Hospital, Lucknow** not to admit any students for the academic year 2016-2017;
5. Whereas on Oversight Committee (OC) directive, the Ministry obtained compliance from the college afresh and forwarded it to MCI. MCI returned the compliance citing various reasons. Ministry forwarded the reply of MCI to OC;
6. Whereas the OC approved the permission for admission of fresh batch (100 to 150 seats) at **Era's Medical College & Hospital, Lucknow** and the Central Government on the approval of the OC issued letter on 12.09.2016 for permission for admission of fresh batch (100 to 150 seats) in MBBS course for the academic session 2016-17;
7. Whereas as per the conditions laid down in the permission letter an assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI on 17.01.2017;
8. Whereas, the assessment report (17.01.2017) was considered by the Executive Committee of MCI at its meeting held on 25.01.2017 and noted the following deficiencies:-



1. Bed Occupancy was 71.50 % at 10 a.m. on day of assessment.
 2. No sisters' order book for giving treatment was available but was not in order for giving treatment. When sister was asked to show the particular patient for treatment in her order book she could not recognise in Pediatric ward. The patients name and case sheet did not match in Medicine ward. The complaint and patient also did not match. In TB Chest all patients name and case sheet did not match. The treatment and the investigations were not appropriate. In Surgery Male Ward III all patients were not genuine. IP Numbers 1796/17, 1810/17, 1797/17, 1726/17, 1790/17, 1794/17, 2662/17, 2668/17, 2365/17, 2372/17, 2375/17, 1808/17 are no case notes were written. Case sheets totally empty. In Male Surgery II ward no notes in patients charts. Patient's complaints and case sheet notes not matching for few patients.
 3. There was no woman in Labour room at the time of visit.
 4. RHTC: Ice lined refrigerator is not available.
9. Whereas, the MCI vide letter dated 31.01.2017 has informed and recommended to the Ministry as under:

In view of the above, 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)] which reads as“An affidavit from the Dean/Principal and Chairman of the Trust/Society/University/Company etc. concerned, affirming fulfilment of all deficiencies and statements made in the respective compliance report submitted to MHFW by 22nd June, 2016”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)] which reads as“In default of the conditions (i) and (ii) in para 2 above and if the compliances are found incomplete in the inspection to be conducted after 30 Sept.2016, such college will be debarred from fresh intake of students for 2 years commencing 2017-18”, 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 renewal of permission for MBBS course for fresh Batch of MBBS students against the increased intake i.e. from 100-150 at Era's Medical College & Hospital, Lucknow granted by Dr. R.M.L. Avasth University, Faizabad u/s 10A of the IMC Act, 1956, 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.

10. Whereas the Ministry decided to grant Hearing to the College on 13.04.2017 by the Hearing Committee in DGHS. The Hearing Committee after considering the oral and written submission of the College submitted its reports to the Ministry. In its report, the Hearing Committee observed as under:



Srl. No.	Deficiencies reported by MCI	Observations of hearing committee
1	Bed Occupancy was 71.50 % at 10 a.m. on day of assessment	Need to be re-verified as reply not satisfactory
2	No sisters' order book for giving treatment was available but was not in order for giving treatment. When sister was asked to show the particular patient for treatment in her order book she could not recognise in Pediatric ward. The patients name and case sheet did not match in Medicine ward. The complaint and patient also did not match. In TB Chest all patients name and case sheet did not match. The treatment and the investigations were not appropriate. In Surgery Male Ward III all patients were not genuine. IP Numbers 1796/17, 1810/17, 1797/17, 1726/17, 1790/17, 1794/17, 2662/17, 2668/17, 2365/17, 2372/17, 2375/17, 1808/17 are no case notes were written. Case sheets totally empty. In Male Surgery II ward no notes in patients charts. Patient's complaints and case sheet notes not matching for few patients	Need to be re-verified
3	There was no woman in Labour room at the time of visit	Need to be re-verified
4	RHTC: Ice lined refrigerator is not available	ILR purchased after the inspection. Need to be re-verified

11. Whereas the Ministry after considering the recommendation of MCI and DGHS's Hearing report, decided to confirm the conditional permission dated 12.09.2016 issued to the **Era's Medical College & Hospital, Lucknow** in 2016-17 and not to allow the College to admit students against increased intake from 100-150 for the academic year 2017-18 vide Ministry's letter dated 31.05.2017.

12. Whereas the College filed W.P (C) No. 18853 of 2017 in the Hon'ble High Court of Allahabad challenging the decision of the Ministry dated 31.05.2017 and the Hon'ble High Court gave the direction on 19.08.2017 to follow the orders dated 08.08.2017 passed in similar matter in WP (C) No 13530/2017, which was as under:-:-

In reference to order dated 04.08.2017, the Central Government, as per the instructions received by Mr. Asit Kumar Chaturvedi, learned Senior Counsel appearing for the respondent no.1, has agreed to entertain the petitioners' matter alongwith others similar matters and consider it to reevaluate the recommendations/views of the MCI, Hearing Committee, DGHS and the Oversight Committee as available on record for grant of approval to the petitioner-institution to admit the Students in MBBS course, after affording an opportunity of hearing to the petitioner-institution to the extent necessary. To facilitate the Central Government, the whole paragraph 25 of the judgment in which directive has been issued by the Supreme Court is reproduced below:

"25. In the above persuasive premise, the Central Government is hereby ordered to consider afresh the materials on record pertaining to the issue of confirmation or otherwise of the letter of permission granted to the petitioner colleges/institutions. We make it clear that in undertaking this exercise, the Central Government would re-evaluate the recommendations/views of the MCI, Hearing Committee, DGHS and the Oversight Committee, as available on records. It would also afford an opportunity of hearing to the petitioner colleges/institutions to the extent necessary. The process of hearing and final reasoned decision thereon, as ordered, would be completed peremptorily within a period of 10 days from today. The parties would unfailingly co-operate in compliance of this direction to meet the time frame fixed"

Therefore, we also direct the Central Government to consider the petitioners matter accordingly within seven days as framed by Hon'ble the Supreme Court.

13. Now, in compliance with the above direction of Hon'ble High Court, 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. Findings of the Hearing Committee are as under:-

"The college representatives submitted that the college is an old established college – recognized for 100 seat in 2006 and also got subsequent renewal of recognition. They were granted LoP for increase intake from 100-150 in 2011-12 and have got subsequent renewal permissions. The college has applied for recognition of 150 seats in 2016.

The Committee notes that the bed occupancy was marginally short on the day of inspection due to cold weather conditions.

Remarks about type of patients and nature of clinical notes in certain specific IP cases have been made by the assessors. The college despite the opportunity could not satisfy the Committee about their claims. The documentary proof submitted was incomplete and non-conclusive.

The Committee further notes that the conditional LoP for 2016-17 was confirmed by the Ministry vide letter dated 31.05.2017.

In the facts of the case, the Committee reiterates that the conditional LoP for 2016-17 may be confirmed. No batch may be allowed for 2017-18. MCI may also expedite recommendation under Section 11(2) of the IMC Act, 1956 for the increased intake"

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14. Accepting the recommendations of Hearing Committee, the Ministry reiterates earlier decision dated 31.5.2017 to confirm the conditional permission issued to the **Era's Medical College & Hospital, Lucknow** for the academic year 2016-17 and not to allow the College to admit students against increased intake from 100-150 for the year 2017-18.


(D V K Rao)

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

To

The Principal/Dean,
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Uttar Pradesh.

Copy to:

1. The Principal Secretary,(Health & FW), Department of Health & Famliy 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. RML Awadh University, Faizabad, Uttar Pradesh.
4. The Director General, Medical Education, Government of Uttar Pradesh, Lucknow, U.P.
5. The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi