

No.U.12012/723/2015-ME - I [FTS.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: Increase of seats in MBBS course from 150-250 at **Meenakshi Medical College Hospital and Research Institute, Chennai** u/s 10 A of the IMC Act, 1956 for the academic session 2017-18.

Whereas the **Meenakshi Medical College Hospital and Research Institute, Chennai**, made application for increase of intake capacity from 150-250 in MBBS course 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 an assessment to assess the physical and other teaching facilities available for grant of Letter of Permission for increase of intake capacity from 150 to 250 at the College was carried out by the Council's assessors on 10th & 11th January, 2017. The Executive Committee of the Council considered the assessment report (10th & 11th January, 2017) at its meeting held on 13.01.2017 and noted following:-

1. Deficiency of faculty is 6.25 % as detailed in the report.
2. Dr. Srinivasagulu, Medical Superintendent has only 6 y administrative experience against 10 y required as per Regulations; hence not qualified to hold the post.
3. Shortage of Residents is 5.4 % as detailed in the report.
4. On verification, it was found that only 3 Senior Residents & 18 Junior Residents out of total 128 are staying in the premises. In the quarter allotment list provided by the Dean, address proof of SR/JR are not matching.
5. Teaching Beds are inadequate by 20 as only 30 beds are available for Tb & Chest against requirement of 50.
6. Bed Occupancy as observed by is 35.45 % at 10 a.m. on day of assessment as under:

#	Department	Beds	
		Available	Occupied
1	General Medicine	240	48
2	Paediatrics	120	20
3	Tb & Chest	30	05
4	Psychiatry	30	03
5	Skin & VD	30	20

6	General Surgery	240	116
7	Orthopaedics	150	68
8	Ophthalmology	60	45
9	ENT	30	20
10	O.G.	150	45
	TOTAL		390

7. OPD attendance as shown in Central Registry is not matching with daily registers of 6 departments examined.
8. There were only 12 Major & 04 Minor Operations on day of assessment.
9. There was only 1 delivery conducted on day of assessment.
10. Laboratory investigations workload is inadequate.
11. Histopathology workload was only 02 & Cytopathology workload NIL on day of assessment.
12. Casualty attendance for the day of assessment is claimed at 74; however till 2 p.m. there were just 06 patients.
13. ICUs: There was only 1 patient in SICU & 2 patients in NICU/PICU on day of assessment.
14. CT Scan is 6 slice against minimum 16 slice required.
15. In the entire hospital in all major clinical departments, there was no policy or protocol for Biomedical Waste Management. The support staff did not even know basic colour coding for Biomedical waste.
16. Audiovisual aids in Demonstration rooms are inadequate as detailed in the report.
17. Examination Halls: 3 Examination Halls with capacity of 190, 154 & 140 respectively are available against requirement of 3 of capacity 250 each. Even this is congested.
18. Lecture Theaters: Hospital Lecture Theater is not available.
19. Students' Hostels: Available accommodation is for 918 against requirement of 938.
20. Physiology department: 2 Demonstration rooms out of 4 required are still under construction.
21. There are only 2 Demonstration rooms in the departments of Pathology; Microbiology; Pharmacology; Forensic Medicine departments against 4 required.
22. MRD: ICD X coding is not complete. Clinical material of the entire hospital is not updated in MRD data.
23. RHTC: Registers are maintained but not signed by concerned authority. Statistics are poor. No National Health programmes are performed. Students are not posted.
24. UHC: Students are not posted.
25. In the interaction with the students, assessors got the feedback that facilities provided in the Girls' hostel are not satisfactory – unhygienic kitchen, poor quality food, unclean surrounding with mosquito breeding. On verification, assessors found the feedback to be correct.

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In view of the above, as the applicant college does not meet the Qualifying Criteria 6(b)(i) & 6(b)(iii) of Opening of New or Higher Courses of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including Postgraduate Course of Study or Training) (Amendment) Regulations, 2009 (Part-III) as number of teaching beds and Bed occupancy are less than the required for eligibility, the Executive Committee of the Council decided to return the application for increase in MBBS seats from 150 to 250 at Meenakshi Medical College Hospital and Research Institute, Chennai under Meenakshi Academy of Higher Education & Research (Meenakshi University) for the academic year 2017-2018 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

The Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.

3. Whereas the MCI vide letter dated 31.01.2017 recommended the Central Government to disapprove the scheme of Increase of intake capacity from 150 to 250 at **Meenakshi Medical College Hospital & Research Institute, Chennai** for the academic year 2017-18;
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 22.02.2017 and the compliance submitted during hearing was sent to the MCI for review as recommended by the Hearing Committee;
5. Whereas, the Executive Committee of the Council in its meeting held on 28.03.2017 considered the matter of Increase of seats from 150 to 250 in MBBS course at **Meenakshi Medical College Hospital and Research Institute, Chennai** and it was decided to reiterate the earlier decision of returning the application for increase in MBBS seats from 150 to 250 at Meenakshi Medical College Hospital and Research Institute, Chennai under Meenakshi Academy of Higher Education & Research (Meenakshi University) for the academic year 2017-2018 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

The Executive Committee of the Council further decided to verify the compliance received from the institute in reply to the show cause notice issued u/s 8(3)(1)(c) by way of assessment in respect of Meenakshi Medical College Hospital and Research Institute, Chennai under Meenakshi Academy of Higher Education & Research (Meenakshi University).

6. Whereas the MCI vide letter dated 19.04.2017 reiterated its earlier decision to recommend the Central Government to disapprove the scheme of Increase of intake capacity from 150 to 250 at **Meenakshi Medical College Hospital & Research Institute, Chennai** for the academic year 2017-18;



7. Whereas the Ministry accepted the recommendation of MCI and disapproved the applications of the college for Increase of intake capacity from 150 to 250 at **Meenakshi Medical College Hospital & Research Institute, Chennai** for the academic session 2017-2018 vide letter dated 31.05.2017;

8. Whereas the MCI conducted compliance verification assessment of the physical and other teaching facilities available for 150 MBBS seats at Meenakshi Medical College Hospital & Research Institute, Kanchipuram on 25.04.2017;

9. Whereas the compliance verification assessment report dated 25.04.2017 was considered by the Executive Committee of Council at its meeting held on 23.05.2017 and decided as under:-

"The Executive Committee of the Council considered the compliance verification assessment report (25.04.2017) along with previous assessment report (10th & 11th January, 2017) and decided to revoke notice issued under Clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18.03.2016"

10. Whereas the decision of the Executive Committee was communicated to the College vide MCI letter dated 26.05.2017 alongwith a copy to the Ministry.

11. Whereas the college filed W.P No. 17482 of 2017 and WMP Nos. 18975 & 18976 of 2017 in the Hon'ble High Court Judicature at Madras and the Hon'ble Court on 18.08.2017 directed as under:-

Therefore, from the above said communication of MCI, it is evident that it has taken a subsequent decision of 25.04.2017, by revoking a notice issued to the petitioner under Clause 8 (3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II). Copy of the said communication is also marked the first respondent. These development which admittedly had taken place earlier, that too, before passing impugned order, ought to have been taken note of by the first respondent before deciding on the request of the petitioner, seeking for increase of intake capacity, It is seen that it has not been done so, in this case. Moreover, as rightly pointed out by the learned Senior Counsel for the petitioner, the impugned order does not state the specific reason such as any defect ect. For rejecting the request of the petitioner. Therefore, this Court, is of the view that the matter has to go back to the first respondent to consider the issue once again afresh, by taking into consideration of the report dated 25.04.2017 and the letter dated 26.05.2017 issued by MCI and pass fresh orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner as well. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the first respondent to consider the issue afresh and pass fresh orders as stated supra. Such exercise shall be done by the first respondent within a period of two weeks from the date of receipt of a copy of this order. It is made clear, that this Court, is not expressing any view on the matter of the claim made by the petitioner, as it is for the first respondent to consider and decide the same. No costs. Consequently, connected miscellaneous petitions are closed.

12. Whereas, now in compliance with the above direction of Hon'ble High Court, the Ministry granted hearing to the college on 24.08.2017. The Hearing Committee after considering the record and submission of the college submitted its report to the Ministry with the following findings:-

"The Committee has perused the compliance assessment report 25.04.2017. It is noted that out of 25 deficiencies noted in January inspection all have been rectified except the one regarding CT scan of minimum 16 slice. Assessors have noted that the college has submitted order copy of 128 slice CT scan and cheque in favour of Siemens Healthcare, Chennai. The CT scan is still not installed as per college own admission but will be done shortly as above. The Committee notes that the deficiency of faculty and residents was marginal at 6.25% and 5.4% respectively which is now rectified. Bed occupancy which was noted at 35.45% is now assessed at 89.63%.

Thus, while the deficiencies have been clearly rectified, the issue before the Committee was that the inspection dated 25.04.2017 has been carried out by MCI against the norms for 150 seat intake. This was so because show cause notice was issued to the college for withdrawal of recognition of 150 seats under Clause 8(3)(1)(c) of Establishment of Medical College Regulations, 1999. "

Since MCI has withdrawn Clause 8(3)(1)(c), the issue regarding 150 seats does not exist any further.

However, it is not feasible for the Committee to give a conclusive finding on whether the college qualifies for 250 seats in the absence of MCI inspection report for 250 seats intake after the January inspection. Nonetheless, the college claims that they meet all requirements for 250 intake. The Committee observed that the faculty accepted in 25.04.2017 inspection was mostly as per 250 requirements. OPD has been noted at 3216 which is more than 3000 required for 250 intake. However, requirement such as bed occupancy, clinical investigations, equipments may vary for 250 intake, the availability of which cannot be ascertained without an inspection.

In view of the above, the Committee agrees with the Ministry order dated 31.05.2017 conveying disapproval for increase of intake from 150 to 250 seats for the academic year 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 Increase of intake capacity from 150 to 250 at **Meenakshi Medical College Hospital & Research Institute, Chennai** for the academic year 2017-18;


(D V K Rao)

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

To

The Chairman/Secretary,
Meenakshi Medical College Hospital & Research Institute,
Chennai, Enathur, Karrapettai Post,
Kanchipuram, Tamilnadu-631552.

Copy to:

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1. The Secretary, Medical Education, Department of Health & Family Welfare, Govt. of Tamil Nadu, Chennai, Tamilnadu.
2. The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi-75.
3. The Registrar, The Tamilnadu Dr. MGR University, Guindy, Chennai, Tamilnadu.
4. The Director, Medical Education, Government of Tamil Nadu, Chennai, Tamilnadu.
5. The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi.