

No.U.12012/134/2015-ME - I [3114018]

Government of India

Ministry of Health & Family Welfare

(Department of Health & Family Welfare)

Nirman Bhawan, New Delhi-11

Dated the 27 August, 2017.

ORDER

Subject: Conditional permission granted for increase of intake capacity from 100 to 150 seats in MBBS course for 2016-17 -Decision of the Central Government - Saraswathi Institute of Medical Sciences, Hapur, Uttar Pradesh- reg.

Whereas the **Saraswathi Institute of Medical Sciences, Hapur, Uttar Pradesh** made application for increase of intake capacity from 100 to 150 seats in MBBS course 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 09th & 10th December, 2015 and the assessment report was considered by the Executive Committee of MCI in its meeting held on 30.01.2016 and following was noted:

1. Teaching beds are inadequate as under:

#	Department	Beds		
		Required	Available	Shortage
1	General Medicine	126	120	06
2	Paediatrics	66	60	06
3	General Surgery	126	120	06
4	Orthopaedics	66	60	06
5	O.G.	66	60	06
	TOTAL			30

2. OPD: Plaster room & Plaster cutting room are not separate; they are divided by Aluminium partition.
3. Equipment in Eclampsia room is not adequate.
4. Other deficiencies as pointed out in the assessment report.

3. Whereas, based on the above, the MCI vide letter dated 31.01.2016 recommended to the Central Govt. not to issue Letter of Permission for increase of intake capacity from 100 to 150 seats in MBBS course at **Saraswathi Institute of Medical Sciences, Hapur, Uttar Pradesh** 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 personal hearing committee on 24.2.2016 and the matter was referred back to MCI for review. Subsequently compliance verification assessments were carried out by MCI on 18.03.2016 and 12.05.2016. The compliance verification assessment report was considered by the Executive Committee at its meeting held on 13.05.2016 and noted following:

1. Deficiency of faculty is 24.06 % as detailed in the report.
2. Shortage of Residents is 62.85 % as detailed in the report.
3. There is deficit of 19 teaching beds as 541 beds are available against 560 required.
4. Bed occupancy is 16.25 % on day of assessment.
5. In Orthopaedics ward, out of 20 admitted patients, case files of only 09 patients were available. Rest of the patients did not have any record in the ward. 3 Female patients were accommodated in Male ward.
6. Statistics of Clinical Material provided by institute are highly exaggerated.
7. Details of patients admitted in ICUs on day of assessment are not provided.

5. Whereas the MCI vide letter dated 15.05.2016 returned the application for increase of intake capacity from 100 to 150 seats in MBBS course at **Saraswathi Institute of Medical Sciences, Hapur, Uttar Pradesh** 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 increase of intake capacity from 100 to 150 seats in MBBS course for the academic session 2016-2017 vide letter dated 10.06.2016.

7. Whereas on Oversight Committee (OC) directive, the Ministry obtained compliance from the college afresh and forwarded it to MCI vide letter dated 22.6.2016. MCI returned the compliance citing various reasons. Ministry forwarded the reply of MCI to OC.

8. Whereas the OC vide its letter dated 13.08.2016 approved the scheme of increase of intake capacity from 100 to 150 seats in MBBS course at **Saraswathi Institute of Medical Sciences, Hapur, Uttar Pradesh** 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 20.08.2016 to the **Saraswathi Institute of Medical Sciences, Hapur, Uttar Pradesh** for increase of intake capacity from 100 to 150 seats in MBBS course for the academic year 2016-17 with conditions imposed by the OC;

11. 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 17th & 18th January, 2017.

12. Whereas, the assessment report (17th & 18th January, 2017) was considered by the Executive Committee at its meeting held on 25.01.2017 and noted the following deficiencies:-

1. Dean has refused to sign the report.
2. Teaching beds are deficient by 6 beds as 66 beds are available against requirement of 72 beds in Paediatrics for proportionate increase for increase from 100 to 150 seats MBBS intake.
3. On a random check of OT Register for the full preceding month (Dec. 2016) it was observed that the following Surgeons have never operated even once, thus casting doubts on their being regular:-
 - (a) Deptt. of General Surgery (Dr. Sanjeev Kumar, Prof., Dr. Akhil Prakash, Professor; Dr. Yanshul Rathee, Asstt. Prof.)
 - (b) Deptt. Of Orthopaedics (Dr. S.K. Jaipuria, Prof. & Head, Dr. Tushar Anand, Asstt. Prof.)
 - (c) Deptt. Of Obst. & Gynae (Dr. Raashi Goel, Assoc. Prof., Dr. Neera Singh, Asstt. Prof. & Dr. Indira Prasad, Asstt. Prof.)
4. Attendance registers of faculty of clinical departments were given to assessors only at 3 p.m. instead of at 10 a.m. as per directive of Oversight Committee.
5. In the hospital, several clinical departments have shown their beds in multiple small rooms which do not have Nursing Stations at all places as under:
 - (a) General Medicine: 22+16+16+32+8+16+11+5;
 - (b) Paediatrics: 58 + 8;
 - (c) O.G.: 40+8+4+20;
 - (d) General Surgery: 28+8+44+8+4+6+10+24.
6. OPD attendance on day of assessment as inferred by assessors was 702. The attendance claimed by college at 1,402 which is highly inflated.
7. Bed Occupancy of genuine patients admitted is 33.60 % as under:

#	Department	Beds	
		Required	Occupied
1	General Medicine	132	40
2	Paediatrics	72	08
3	Skin & VD	30	06
4	Chest & Tb	22	16
5	Psychiatry	30	07
6	General Surgery	132	30
7	Orthopaedics	72	28
8	Eye	30	22
9	ENT	30	10
10	O.G.	72	42
	TOTAL	622	209

8. Majority of these false patients were pretending to be sleeping with eyes closed, face covered with shawl/blanket/any cloth in uniform posture. They did not have any personal belongings, medicine, glass, water bottle etc. Several of admitted patients did not have the complaint which was recorded in their case file. Some examples of fake patients/fabricated records are:-

(Handwritten mark)

9. Ms. Nitesh (IP No. 88501) admitted in Medical Ward with pyrexia of unknown origin but had a recording of 98.4°F normal temperature in her TPR chart.
10. Mrs. Kalawati, 57 years female was said to have been operated for 3* Uterovaginal prolapse on 11.1.2017. There was cutting and overwriting of dates. On perusal of OT register it was found that she was operated on 27.12.2016 and not 11.1.2017. It seems this patient might have been operated long back, pt. already discharged but now shown admitted and dates changed in operative case sheet to make it look recent surgery.
11. Average daily OPD drug dispensation number of around 250 from the hospital pharmacy also reflects less OPD attendance.
12. Average daily IPD drug dispensation number of around 150 from the hospital pharmacy also suggests near similar number of admitted patients.
13. Orthopaedics O.T. had not yet started at 10 a.m. as observed during the visit.
14. Three healthy newborn babies not requiring admission in NICU were unnecessarily shown admitted-
15. (a) Baby Tarana (IP No. 88133) said to be having, neonatal jaundice and kept under phototherapy. But on physical examination, there was no jaundice and the case file did not record any blood test (Bilirubin levels) done for so-called jaundice.
16. (b) Another baby was an healthy full term baby delivered yesterday.
17. (c) Another healthy one and half month old infant, did not qualify for admission in NICU being more than one month old.
18. Psychologist is not available in the hospital.
19. There is only 1 Demonstration room available in Pathology, Microbiology, Pharmacology departments against requirement of 2 each.
20. Stipend given to Residents is less than that paid by State Govt. to Residents.

13. 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 clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 13/08/2016 which reads as”an affidavit from the Dean/Principal and Chairman of the Trust concerned, affirming fulfillment 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, have 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 in para 3.2(b) vide communication dated 13/08/2016 which reads as”in default of the conditions (i) and (ii) in para 3.2 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 admission of 2nd batch of MBBS students against the increased intake i.e. from 100-150 in respect of Saraswathi Institute of Medical Sciences, Hapur under Ch. Charan Singh University, Meerut u/s 10A of the IMC Act,1956 for the academic year 2017-18, 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 20/08/2016 is liable to be encashed.

The Executive Committee further decided to reiterate the application of 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."

14. Whereas the Ministry granted hearing to the College on **10.04.2017** by the DGHS. The Hearing Committee after considering the oral and written submission of the College, submitted its report to the Ministry. In its report, the Hearing Committee observed as under: -5-

Srl	Deficiencies reported by MCI	Observations of hearing committee
i.	Dean has refused to sign the report.	No dissent note on the assessment report or within 48 hours which was signed by Dean/Principal. No satisfactory reply
ii	Teaching beds are deficient by 6 beds as 66 beds are available against requirement of 72 beds in Paediatrics for proportionate increase for increase from 100 to 150 seats MBBS intake.	No dissent note on the assessment report or within 48 hours which was signed by Dean/Principal. No satisfactory reply
iii	On a random check of OT Register for the full preceding month (Dec. 2016) it was observed that the following Surgeons have never operated even once, thus casting doubts on their being regular:- (a) Deptt. of General Surgery (Dr. Sanjeev Kumar, Prof., Dr. Akhil Prakash, Professor; Dr. Yanshul Rathee, Asstt.Prof. (b) Deptt. Of Orthopaedics (Dr. S.K. Jaipuria, Prof. & Head, Dr. Tushar Anand, Asstt.Prof.) (c) Deptt. Of Obst. & Gynae (Dr. Raashi Goel, Assoc.Prof., Dr. Neera Singh, Asstt.Prof. & Dr. Indira Prasad, Asstt.Prof.)	No Satisfactory reply. Deficiency persists
iv	Attendance registers of faculty of clinical departments were given to assessors only at 3 p.m. instead of at 10 a.m. as per directive of Oversight Committee.	No Satisfactory reply.
v.	In the hospital, several clinical departments have shown their beds in multiple small rooms which do not have Nursing Stations at all places as under: (a) General Medicine: 22+16+16+32+8+16+11+5; (b) Paediatrics: 58 + 8; (c) O.G.: 40+8+4+20; (d) General Surgery: 28+8+44+8+4+6+10+24.	Needs to be re-verified

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xvi.	(b) Another baby was an healthy full term baby delivered yesterday	Cannot be commented. Need to be re-verified
Xvii	(c) Another healthy one and half month old infant, did not qualify for admission in NICU being more than one month old	Cannot be commented. Need to be re-verified
xviii	Psychologist is not available in the hospital.	Need to be re-verified
Xix	There is only 1 Demonstration room available in Pathology, Microbiology, Pharmacology departments against requirement of 2 each.	Need to be re-verified
xx	Stipend given to Residents is less than that paid by State Govt. to Residents	Need to be re-verified

15. Whereas the Ministry after considering the recommendation of MCI, hearing report of the Hearing Committee decided to accept recommendation of MCI since the College was found deficient in MCI inspection. Accordingly, Ministry vide letter dated 31.05.2017 debarred the College from admitting students for two years i.e. 2017-18 & 2018-19 and authorized the MCI to encash the Bank Guarantee of Rs. 2 Crore.

16. Whereas the college filed W.P (C) No. 27072/2017 in the Hon'ble High Court of Judicature at Allahabad and High Court passed following direction on 19.08.2017:-

"In the light of the aforesaid direction of the Supreme Court, this Court directs the Central Government to re-evaluate the recommendations/views of the M.C.I., Hearing Committee, DGHS and the Oversight Committee within two weeks from the date of production of certified copy of this order."

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17. Whereas in the meantime the College filed an SLP No.20649/2017 before the Hon'ble Supreme Court against the order dated 19.06.2017 passed by the Allahabad High Court in WP (C) No.27072/2017 and the Supreme Court passed following direction on 14.08.2017:-

"Having heard learned counsel for the parties, it is directed that the Central Government shall offer an opportunity of hearing to the representatives of the Institution and take assistance of the newly constituted Committee as per the judgment passed by the Constitution Bench in Amma Chandravati Educational and Charitable Trust & Ors. vs. Union of India & Anr. [Writ Petition (C) No.408 of 2017] within ten days hence and pass a reasoned order by the end of August, 2017. Be it noted, we have passed this order as the order impugned is the communication by the Central Government dated 31.5.2017."

17. Now, therefore, in compliance with the above direction of Hon'ble Supreme Court, the Ministry granted hearing to the college on 22.08.2017. A Member of the newly constituted Oversight Committee also attended the Hearing Committee Meeting. The Hearing Committee submitted its report to the Ministry with the following conclusion:-

"Considering the fact that there is deficiency in bed strength and occupancy and far less OPD attendance and deficiency in inpatient and genuineness of the patient this calls for re-verification and the decision reached by MCI still stands."

A copy of the Hearing Committee report containing their observations is enclosed.

18. Now, therefore, the Ministry accepting the recommendations of the Hearing Committee reiterates its earlier decision dated 31.05.2017 to debar the College from admitting students for two years i.e. 2017-18 & 2018-19 and authorize the MCI to encash the Bank Guarantee of Rs. 2 Crores.


(D V K Rao)

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

To

The Principal/Dean,
Saraswati Institute of Medical Sciences,
NH-24, Anwarpur, Pilkhuwa, Hapur,
Ghaziabad, Uttar Pradesh.

Copy to:

- 1 The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi.
- 2 The Principal Secretary (Health and FW), Government of Uttar Pradesh, 5th Floor Room No.-516, Vikas Bhawan, Lucknow-226001
- 3 The Registrar, Chaudhary Charan Singh University, Meerut, Uttar Pradesh.
- 4 The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi.

7. Saraswati Institute of Medical Sciences

Deficiencies 2016-17	Deficiencies in compliance verification after OC approval	Comments of Hearing Committee	Hearing Committee findings (22.8.2017)
<p>1. Deficiency of faculty is 24.06 % as detailed in the report.</p> <p>2. Shortage of Residents is 62.85 % as detailed in the report.</p> <p>3. There is deficit of 19 teaching beds as 541 beds are available against 560 required.</p> <p>4. Bed occupancy is 16.25 % on day of assessment.</p> <p>5. In Orthopaedics ward, out of 20 admitted patients, case files of only 09 patients were available. Rest of the patients did not have any record in the ward. 3 Female patients were accommodated in Male ward.</p> <p>6. Statistics of Clinical Material provided by institute are highly exaggerated.</p> <p>7. Details of patients admitted in ICUs on day of assessment are not provided.</p>	<p>1. Dean has refused to sign the report.</p> <p>2. Teaching beds are deficient by 6 beds as 66 beds are available against requirement of 72 beds in Paediatrics for proportionate increase for increase from 100 to 150 seats MBBS intake.</p> <p>3. On a random check of OT Register for the full preceding month (Dec.2016) it was observed that the following Surgeons have never operated even once, thus casting doubts on their being regular:- (a) Deptt. of General Surgery (Dr . Sanjeev Kumar, Prof., Dr . Akhil Prakash, Professor; Dr . Yanshul Rathee, Asstt.Prof. (b) Deptt. Of Orthopaedics (Dr . S.K. Jaipuria, Prof. & Head, Dr. Tushar Anand, Asstt.Prof.) (c) Deptt. Of Obst. & Gynae (Dr . Raashi Goel, Assoc.Prof., Dr. NeeraSingh, Asstt .Prof. & Dr. Indira Prasad, Asstt.Prof.)</p> <p>4. Attendance registers of faculty of clinical departments were given to assessors only at 3 p.m. instead of at 10 a.m. as per directive of Oversight Committee</p> <p>5. In the hospital, several clinical departments have shown their beds in multiple small rooms which do not have</p>	<p>1. Complied with</p> <p>2. Complied with</p> <p>3. No dissent note on the assessment report or within 48 hours which was signed by Dean/principal. No Satisfactory reply</p> <p>4(a) No Satisfactory reply deficiency persists.</p> <p>5 (a) Complied with</p> <p>6(a) Cannot be commented need to be re-verified.</p> <p>7(a) -do-</p> <p>No Dissent note on the assessment report or within 48 hours which was signed by dean/ principal. No Satisfactory reply.</p> <p>9B. No Satisfactory reply deficiency persists.</p> <p>11B. Need to be re-verified</p>	<p>1. As per Point of No. 1 of Annexure-B.</p> <p>2. As per Point of No. 2 of Annexure-B</p> <p>3. As per Point of No. 3 of Annexure-B</p> <p>4. As per Point of No. 4 of Annexure-B</p> <p>5. As per Point of No. 5 of Annexure-B</p>

Nursing Stations at all places

as under:

- (a) General Medicine: 22 +16+16+32+8+16 +11 +5;
- (b) Paediatrics: 58 + 8;
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8. Majority of these false patients were pretending to be sleeping with eyes closed, face covered with shawl /blanket/any cloth in uniform posture. They did not have any personal belongings, medicine, glass, water bottle etc. Several of admitted patients did not

6. As per Point of No. 6 of Annexure-B

7 & 8. As per Point of No. 7 of Annexure-B.

R.V.S.

[Signature]

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have the complaint which was recorded in their case file. Some examples of fake patients/fabricated records are:- (a) Ms. Nitesh (IP No. 88501) admitted in Medical Ward with pyrexia of unknown origin but had a recording of 98.4°F normal temperature in her TPR chart.
(b) Mrs. Kalawati, 57 years female was said to have been operated for 3* Uterovagical prolapse on 11.1.2017. There was cutting and overwriting of dates. On perusal of OT register it was found that she was operated on 27.12.2016 and not 11.1.2017. It seems this patient might have been operated long back, pt. already discharged but now shown admitted and dates changed in operative case sheet to make it look recent surgery.
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9. As per Point of No. 9 of Annexure-A.

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B.L.
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<p>(b) Another baby was an healthy full term baby delivered yesterday. (c) Another healthy one and half month old infant, did not qualify for admission in NICU being more than one month old. 10. Psychologist is not available in the hospital. 11. There is only 1 Demonstration room available in Pathology, Microbiology, Pharmacology departments against requirement of 2 each. 12. Stipend given to Residents is less than that paid by State Govt. to Residents.</p>	<p>10. As per Point of No. 10 of Annexure-A. 11. As per Point of No. 11 of Annexure-A 12. As per Point of No. 12 of Annexure-A</p>
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Conclusion: considering the fact that there is deficiency in bed strength and occupancy and far less OPD attendance and deficiency in inpatient and genuineness of the patient this calls for re-verification and the decision reached by MCI still stands.






Annexure-A

1. Instead of making a specific Dissent Note, the Dean has not signed on the Report at all. However, the college authorities have produced a dissent letter which was sent to the MCI within the stipulated time.
2. It is an admitted fact by the college authorities.
3. Explanation provided by the college authorities is not satisfactory.
4. Though it is mentioned that the Attendance Register of faculty were handed over at 3 PM but specific deficiency of faculty is not mentioned in the report by the MCI inspector.
5. The college has submitted that they have rectified the deficiency by making necessary alternations in the interiors.
6. It is an admitted fact that attendance at 2 PM was only 705. Notwithstanding the explanation in terms of the chilly weather etc.
- 7&8 The Hearing Committee cannot comment on the genuineness of the patients admitted in the hospital.
9. The non-starting of OPD by 10 AM cannot be deemed as a deficiency on a day when inspection was happening and all the faculty/doctors were called for physical verification.
10. As per the minimum standard requirement as per MSR, the Clinical Psychologist is not an essential requirement.
11. As per the MSR norms only one Demonstration room is required. The college is claiming that they have already increased the Demonstration rooms to two.
12. The college authorities have stated that they are giving the stipend to Residents as per that of State Government. However, this is not a reason for disqualification.

R.V./
WJ
R. V. /
R. V. /