

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 30 August, 2017.

**ORDER**

Subject: Establishment of new medical college at Raigad (Dr. N Y Tasgaonkar Institute of Medical Sciences & Research Centre) by Saraswati Educational Society, Mumbai with an annual intake of 150 MBBS students u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

Whereas the Saraswati Educational Society, Mumbai made application for establishment new medical college at Raigad in the name & style of Dr. N Y Tasgaonkar Institute of Medical Sciences & Research Centre 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 Raigad by Saraswati Educational Society, Mumbai since the applicant did not submitted following papers with the application:-

- i. Form-5
- ii. Copy of Balance Sheet for the year ending 31.03.2016

3. 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 06.12.2016 and the case was referred back to the MCI for review as recommended by the Hearing Committee;

4. Whereas, an assessment to the proposed College was carried out by the Council's Assessors on 17<sup>th</sup> & 18<sup>th</sup> March, 2017. The assessment report (17<sup>th</sup> & 18<sup>th</sup> March, 2017) alongwith letter of Assessors was considered by the Executive Committee at its meeting held on 21.3.2017 and noted the following:-

***"The Executive Committee perused the letter from Assessors, operative part of which reads as under:***

***"With reference to the above cited subject we are here with would like to bring your kind notice that as Institute was not ready for assessment and has given letter seeking 15 days time to prepare for the assessment. This is for your kind information and the needful".***



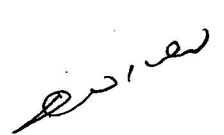
*The Executive Committee further perused the letter from Dean of the Institute which reads as under:*

*"This has reference to MCI assessment in our institute on 17th and 18th March, 2017. Due to Holi holiday and as we are in tribal area which is very remote and some of the staff has not yet reported back on the duties after holidays and expected to join on Monday 20.3.2017, we were in process of arranging our new furniture and equipment's in college building. Hence I humbly request to grant me 15 days time to prepare for the assessment."*

5. Whereas the MCI vide letter dated 21.03.2017 recommended the Central Government to disapprove the scheme of establishment of new Medical College at Raigad by Saraswati Educational Society, Mumbai for the academic year 2017-18;
7. Whereas the Ministry accepted the recommendation of MCI and disapproved the applications of the college for establishment of new college at Raigad by Saraswati Educational Society, Mumbai for the academic session 2017-2018 vide letter dated 31.05.2017;
8. Whereas the college filed W.P.(C) 5740/2017 & C.M.Nos.23906/2017, & 29161/2017 in the Hon'ble Delhi High Court and the Hon'ble Court on 22.08.2017 directed as under:-

*In view of the orders passed by the Apex Court on 01.08.2017, 04.08.2017 & 10.08.2017 wherein also the petitioner institutes were similarly placed like the present petitioners, this Court is of the view that the order dated 08.08.2017 passed by the Apex Court in W.P.(C) Nos.657/2017 & 658/2017 is not a hurdle for the petitioners to be heard by respondent No. 1 as that order passed on 08.08.2017 was on non-entertainment of those petitions under Article 32 of the Constitution of India; necessary implication as pointed out by the learned counsel for the petitioners being that the petitioners were not heard on merits and it was a simplicitor dismissal; had it been an order on merits, the second line of the order that the Apex Court was not inclined to entertain these petitions under Article 32 of the Constitution of India would not have been contained in the said order.*

9. Now, in compliance with the above direction of Hon'ble High Court, the Ministry granted hearing to the college on 29.08.2017. The Hearing Committee after considering the record and submission of the college submitted its report to the Ministry with the following findings:-



**The Trust applied for establishment of medical college for 2017-18. The application was first rejected by MCI on documentary basis. Subsequently, hearing was granted in the Ministry and matter was referred back to MCI.**

**It is seen from the MCI letter dated 21.03.2017 that an assessment team was deputed by MCI to the college on 17-18 March, 2017. However, the dean of the institute submitted in writing that they were not ready for inspection and sought 15 days time. The assessors have also noted the same.**

**Since the college was not assessed for 2017-18, no inspection report is available for discussion in the hearing. The college, however, has submitted documentary proof and video/photograph regarding the availability of facilities. It is also seen from copies of newspaper cuttings that there was state-wide strike on 17.03.2017 by the residents doctors association in Maharashtra to protest the incidents of violence against doctors.**

**Letter of permission for establishment of a medical college can be issued only after the facilities in terms of faculty, residents, clinical material and infrastructure have been verified through an MCI assessment.**

**The Committee agrees with the decision of the Ministry to disapprove the college 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 establishment of new Medical College at Raigad by Saraswati Educational Society, Mumbai for the academic year 2017-18;

  
(D V K Rao)

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

To

The Chairman/Secretary,  
Saraswati Education Society,  
Sumati Krishna Niwas, First Floor,  
Shivsena Bhawan Path,  
Dadar (W),  
Mumbai-400028,  
Maharashtra.

Copy to:

1. The Secretary, Medical Education Department, Govt. of Maharashtra, Mantralaya, Mumbai, Maharashtra.
2. The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi-77.
3. The Registrar, Maharashtra University of Health Sciences, Nasik.
4. The Director, Medical Education, Government of Maharashtra, Mumbai.
5. The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi