



Certified Copy of Order Dated -

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN, 12/11/13
AT JAIPUR BENCH, JAIPUR

Received Official
Confirmation

2556
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12234

S.B. CIVIL WRIT PETITION NO. /2013

In the matter of:

Mahatma Gandhi Medical College & Hospital
Through Additional Registrar,
Mahatma Gandhi University of
Medical Sciences & Technology
RIICO Institutional Area,
Sitapura, Jaipur - 302022
Rajasthan

... Petitioner

Versus

1. Medical Council of India,
Through its Board of Governors,
Pocket-14, Sector-8, Dwarka,
New Delhi-110 077.
2. Union of India
Through its Secretary,
Ministry of Health & F.W.,
Department of Health,
Nirman Bhawan,
New Delhi.

.. Respondents

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

IN THE MATTER OF ARTICLE 14, 21, 25 AND 29 OF THE
CONSTITUTION OF INDIA

AND

IN THE MATTER OF ESTABLISHMENT OF MEDICAL
COLLEGE REGULATIONS, 1999

AND

IN THE MATTER OF SECTION 10A AND 33 OF THE INDIAN
MEDICAL COUNCIL ACT, 1956



Oath Commissioner
High Court

Handwritten notes and signatures in Hindi at the bottom left corner.

SB Civil Writ Petition No. 12234/2013

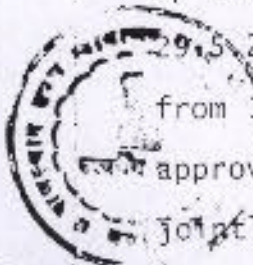
Date of order : 15.7.2013

Hon'ble Mr. Justice Ajay Rastogi

Mr. Sanjeev Prakash Sharma, Sr. Adv. with
Mr. SS Shekhawat, for petitioner.
Mr. Angad Mirdha, for respondent.

Counsel for respondent submits that copy of petition was made available to him only on 11.7.2013 on the date the petition was filed and he prays for time to file reply to the writ petition.

Counsel for petitioner submits that he has no objection in granting time to the respondent's counsel but Hon'ble the Apex Court in Mridul Dhar Vs. Union of India 2005 (2) SCC 65 and Priya Gupta Vs. State of Chhatisgarh & Ors. 2012 (7) SCC 433 has set 15th July of each calender year as the cut off date for issuance of permission letter and if petitioner is not being permitted at this stage that may create great prejudice. However, further submits that the petitioner institution is running undergraduate (MBBS) Course with the intake capacity of 150 students from 2008-2009 and even when the matter came come up with MCI for final recognition, inspection was made of the institution on 7/β.5.2013 and on its report submitted by the committee the matter came up for approval before the BOG in its Meeting held on 29.5.2013 and recognition against increased intake i.e. from 100 to 150 & continuance of recognition was finally approved. However, surprise inspection was undertaken jointly by CBI & MCI Assessors on 29th & 30th May, 2013 but without affording opportunity of personal hearing to the petitioner the BOG of MCI in its meeting held on 3.7.2013 took a decision "not approved for 150 seats and show



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cause notice u/Sec.8.3(1)(c)"

Counsel for petitioner further submits that only deficiency pointed out by the inspecting team as evident from the inspection report is bed occupancy which too is factual incorrect and before the respondent no.1 took the impugned decision dt.3.7.2013 no notice of opportunity of hearing being afforded and since the dead line has been fixed by the Apex Court, in these facts & circumstances the petitioner need interim protection.

Taking note of the submissions made, but without expressing any opinion, this Court considers appropriate to keep the decision of the respondent no.1 dt.3.7.2013 as regards the petitioner in abeyance however, that will not preclude the respondent from proceeding with the matter with due compliance of the principles of natural justice, but, at the same time, considers appropriate to grant liberty to the petitioner to proceed in accordance with the approval of minutes of meeting held on 29.5.2013. However, it is further made clear that the petitioner must indicate regarding such of the admissions that it will remain subject to outcome of the matter pending before the Court.

Looking to the nature of controversy involved, let the matter may come up before the Court on 23/7.2013.

(Ajay Rastogi), J.

dsr/-

