



ABSTRACT

Medical Education – W.P. No.22111 etc of 2018 filed by SU.Archana and others, all students of Ponnaiah Ramajayam Institute of Medical Science with a prayer to transfer them to Government Medical Colleges - Accommodation of 108 students of Ponnaiah Ramajayam Institute of Medical Sciences in 6 Self Financing Medical Colleges – Orders – Issued.

HEALTH AND FAMILY WELFARE (MCA-2) DEPARTMENT

G.O. (Ms.) No. 227

Dated: 23.05.2019

விகாரி வருடம்,
வைகாசி மாதம் 9-ம் நாள்
திருவள்ளூர் ஆண்டு 2050

Read:

1. Government letter (Ms) No.241 / MCA2 / 2014, dated 28.08.2014.
2. Order of the Hon'ble High Court of Madras, dated 13.12.2018 in W.P No 22111 etc. of 2018.
3. Orders of the Hon'ble High Court of Madras in W.A. Nos. 147,149,160,166,168 & 192 / 2019, dated 1.02.2019.
4. Orders of the Hon'ble High Court of Madras in W.A. Nos. 147,149,160,166,168 & 192 / 2019, dated 07.02.2019.
5. Orders of the Hon'ble High Court of Madras in the Review Application Nos.51 to 56 of 2019 in W.A.Nos. 147,149,160,166,168 & 192 / 2019, dated 13.02.2019.
6. Government letter No. 31917/MCA2/2018 dated 26.2.2019 addressed to Board of Governors in supersession of Medical Council of India, New Delhi.
7. From the Secretary to Government of India F.No.12012/104/2018-MEI (FTS3175116), dated 27.3.2019.
8. Orders of the Hon'ble High Court of Madras in the Review Application Nos. 51 to 56 of 2019 in W.A. Nos. 147,149,160,166,168 & 192 / 2019, dated 28.03.2019.
9. Government No.31917/MCA2/2018, Health and Family Welfare Department, dated 09.04.2019.
10. From the Board of Governors in supersession of Medical Council of India letter No.MCI-34(41)(R-73)2019-Med/ 106477-479, dated 24.4.2019.
11. Government of India letter R.No.U-12012/04/2018-ME.I (FTS 3175116), dated 29.4.2019.
12. Orders of the Hon'ble High Court of Madras, dated 30.04.2019 in Review Application Nos.51 to 56 of 2019 in W.A. Nos. 147,149,160,166,168 & 192 / 2019, dated 30.04.2019.

13. Orders of the Hon'ble Supreme Court of India in SLP (C)
No.12626/2019, dated 17.05.2019

ORDER :

In the Government letter first read above, the Government have issued the Essentiality Certificate for the establishment of a new Medical College in the name and style as 'Ponnaiyah Ramajayam Institute of Medical Sciences' (PRIMS) with an annual intake of 150 seats from the academic year 2015-2016 subject to the conditions that the Buildings, Equipments, Books and Journals, the staff (Faculty / Resident / Paramedical / Non Teaching), Rural and Urban Health Centers, Blood Bank License, Pre Natal Diagnostics Techniques (PNDT) Certificate and Atomic Energy Regulatory Board (AERB) approval required as per Medical Council of India norms should be provided and necessary Directorate of Town and Country (DTCP) approval for the Plan of the buildings of Medical College and Hospital should be obtained and completed on or before October 2014 as per the undertaking given by the Managing Trustee, Ponnaiyah Ramajayam Institute of Medical Sciences Trust, Kancheepuram District and the approval of Government of India/Medical Council of India should be obtained before the students are admitted.

2. The Medical Council of India had recommended to the Government of India not to issue Letter of Permission to the Ponnaiyah Ramajayam Institute of Medical Sciences (PRIMS), but, the Government of India gave an opportunity to the college to rectify the defects like Shortage of Residents, Out Patient Department attendance, Bed occupancy, Non availability of Blood Bank, Nil major operation, Nil normal as well as caesarean section on the day of assessment, etc. Thereafter, the Oversight Committee appointed by the Hon'ble Supreme Court of India by its letter dated 11.08.2016 recommended for the establishment of Ponnaiyah Ramajayam Institute of Medical Sciences (PRIMS) college with an annual intake of 150 students from the academic year 2016-2017, subject to certain conditions. Based on the recommendations of the Oversight Committee, the Government of India by its letter dated 20.08.2016 issued Letter of Permission for the establishment of new Medical College and for admission of students for the academic year 2016-2017. In 2016-2017, students were admitted to the institution.

3. Based on the Letter of Permission given by the Government of India, the Selection Committee, Office of the Director of Medical Education had allotted candidates to the seats surrendered to the Government quota for the year 2016-2017. While the course conducted at the PRIMS, the Government of India have declined to give recognition for the admission of students for the year 2017-2018 and 2018-2019, since, the Institution has not fulfilled the norms prescribed by the Medical Council of India, New Delhi. In the mean time, the second year MBBS students of Ponnaiyah Ramajayam Institute of Medical Sciences, Nallur, East Coast Road, Kancheepuram District have represented that the management of the college does not have the funds and that they could not appoint proper faculties and provide necessary clinical facilities. As the deficiencies pointed out by the Medical Council of India, because of such deficiencies, they should not be permitted to continue their course in that college and therefore placed a request that the Government may interfere immediately in the matter either by taking over the management of the college immediately or absorb them in any of the Government Medical Colleges, so as to enable them to complete their MBBS Course with quality education.

4. The above said college students have also filed a Writ Petition in (W.P.No.22111 of 2018) before the Hon'ble High Court of Madras with a prayer to direct the Government of Tamil Nadu to take over the responsibility of the students already admitted in the said college including the petitioners with the permission of the Secretary, Ministry of Health and Family Welfare, Government of India, Nirman Bhavan, New Delhi and transfer them to the colleges run by the Government of Tamil Nadu in order to enable them to continue their MBBS course and pass any other order or direction to safeguard their interest.

5. In its order second read above, the Hon'ble High Court of Madras has passed the following orders:-

- i) the State Government shall send a proposal to the Board of Governors in supersession of Medical Council of India, to accommodate the petitioner of the sixth respondent - Ponnaiyah Ramajayam Institute of Medical Sciences in the 22 Government Medical Colleges in the State, within a period of ten days from the date of receipt of a copy of this order.
- ii) Board of Governors, on receipt of the said proposal, shall take a decision and forward the same to the Ministry of Health and Family Welfare, Government of India, within one week there from.
- iii) The Ministry of Health & Family Welfare shall pass necessary orders increasing the number of seats in Government Medical Colleges and approve the accommodation of students studying in the sixth respondent college in the 22 Government Medical Colleges functioning in the State of Tamil Nadu.
- iv) The Board of Governors shall also permit the second respondent to en-cash the bank guarantee given by the sixth respondent college to meet out the infrastructural facilities including the additional faculty strength, etc.
- v) The sixth respondent college shall give necessary certificates as required by the Government to the individual students so that their accommodation in Government Medical Colleges will be made very easy without any problem.
- vi) The Students are required to file an affidavit stating that they shall pay the fees fixed by the fee fixation committee every year.

6. Against the above orders of the Hon'ble Court, the Government preferred an appeal (Writ Appeal Nos.147, 149, 160, 166, 168 and 192 of 2019) before the Hon'ble High Court of Madras. In its orders third read above, the Hon'ble High Court has ordered as follows:-

"18. Accordingly, the following ad-interim directions are issued:-

[a] In terms of Paragraph No.27[1] of the impugned order, the State Government shall submit a fresh proposal to the Board of Governors in supersession of Medical Council of India, for the purpose of accommodating the writ petitioners/students of PRIMS Medical College in 22 Government Medical Colleges in the State of Tamil Nadu, within a period of two weeks from the date of receipt of a copy of this interim order ;"

7. Against the above orders of the Hon'ble Court, the Government have filed Review Petitions (R.P.Nos.51-56 of 2019) before the Hon'ble High Court of Madras. In its orders fifth read above, the Hon'ble High Court has passed orders as follows:-

"12. In the light of the above facts and circumstances and the reasons assigned above and without prejudice to the rights and contentions of both parties, there shall be an order of interim direction, directing the Principal Secretary to the Government, Health and Family Welfare Department, Government of Tamil Nadu, to send necessary proposal for the purpose of accommodating 108 students studying 2nd Year MBBS Course (2016-2017 batch) of Ponnaiah Ramajayam Institute of Medical Sciences (PRIMS) both in 22 Government Medical Colleges as well as 10 Private Medical Colleges within a period of two weeks from the date of receipt of a copy of this order to Medical Council of India and upon receipt of the same, Medical Council of India, in terms of the relevant Norms, Statutory provisions and Rules and Regulations, has to consider the said proposal and make recommendation in accordance with law to the concerned Department of the Central Government within a further period of two weeks from the date of receipt of such proposal and the Central Government, on receipt of the same, is directed to consider the same in terms of the Norms and Rules and Regulations and Statutory provisions and other parameters and indicate their decision in writing as to the accommodation of the said students and put it in a sealed cover and submit the same before this Court within a further period of two weeks thereafter.

13. Call on 28.03.2019 at 3.00 p.m."

8. Based on the above orders of the Hon'ble Court, in the Government letter sixth read above, the Government have requested the Secretary General, Board of Governors in supersession of the Medical Council of India and the Secretary, Ministry of Health and Family Welfare, Government of India to place the facts of this case before the Medical Council of India and Ministry of Health and Family Welfare, Government of India New Delhi respectively and to obtain necessary permission to accommodate the 108 students of PRIMS Medical College in six Self Financing Medical Colleges in the State of Tamil Nadu, expressing the difficulties in accommodating the II year MBBS Students of the Ponnaiyah Ramajayam Institute of Medical Sciences in Government Medical Colleges.

9. In their letter 10th read above, the Board of Governors in supersession of Medical Council of India has accepted the request of this Government and accordingly recommended to the Government of India to pass appropriate orders. In its letter 11th read above, the Government of India has stated that after considering the request of Board of Governors in supersession of the Medical Council of India, the Government of India permitted the Government of Tamil Nadu to adjust 108 students admitted during the year 2016-2017 at Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Tamil Nadu in the following six Self Financing Medical Colleges in the State of Tamil Nadu.

S. No	Name of the Self Financing Private Medical College	Number of intake	Number of students they are willing to accommodate
1.	Raja Muthiah Medical College and Research Institute, Annamalai University, Chidambaram	150	50
2.	Karpagavinayaga Institute of Medical Science and Research Centre, Kancheepuram	100	12
3.	Karpagam Faculty of Medical Science and Research, Coimbatore	150	12
4.	Tagore Medical College and Hospital, Vandalur	150	12
5.	Vellammal Medical College Hospital and Research Institute, Madurai	150	12
6.	Adiparasakthi Medical College and Research Institute, Melmaruvathur	150	10
Total			108

10. In its orders 12th read above, the Hon'ble High Court of Madras in Review Applications (R.A.Nos 51 to 56 of 2019 in W.A.Nos. 147,149,160,166,168 &192 of 2019) has passed the order as follows:-

“ 16. In the light of the subsequent development in the form of the communication of the Board of Governors in supersession of Medical Council of India dated 24.04.2019 which found acceptance through the communication of the Ministry of Health and Family Welfare, Government of India, dated 29.04.2019 (cited supra), nothing remains for further adjudication in this review applications.”

11. Against the above orders of the Hon'ble High Court, some of the students of Ponnaiyah Ramajayam Institute of Medical Sciences have filed a Special Leave Petition before the Supreme Court of India in SLP (C) No.12626/2019. In its orders 13th read above, the Hon'ble Supreme Court of India has disposed of the said Special Leave Petition with the following direction:-

“ All 108 students of Ponnaiyah Ramajayam Institute of Medical Sciences, Kancheepuram, Tamil Nadu, which have been closed down cannot be accommodated in Government Medical Colleges. The students concerned have been directed to be accommodated in other medical colleges.

We find no reason to interfere with the order impugned.

Needless to mention that the direction of the High Court to accommodate the students shall be complied with and that the authorities shall ensure that the petitioners do not have to discontinue their course by reason of closure of medical colleges.

The special leave petition is accordingly disposed of.”

12. The Government have examined the issue in detail and in the light of the orders of the Hon'ble Court and decided to comply with the orders of the Hon'ble High Court of Madras in Review Applications (R.A.Nos. 51 to 56 of 2019) and the 108 students of Ponnaiyah Ramajayam Institute of Medical Sciences, Manamai Nallur, Kancheepuram to accommodate in the six Self Financing Medical Colleges. Accordingly, the Government do and hereby direct the Director of Medical Education to accommodate the 108 students of Ponnaiyah Ramajayam Institute of Medical Sciences, Manamai Nallur, Kancheepuram District in the following six Self Financing Medical Colleges against the name of the self financing Medical College as detailed below:-

S. No	Name of the Self Financing Private Medical College	Number of intake	Number of students to be accommodated
1.	Raja Muthiah Medical College and Research Institute, Annamalai University, Chidambaram	150	50
2.	Karpagavinayaga Institute of Medical Science and Research Centre, Kancheepuram	100	12
3.	Karpagam Faculty of Medical Science and Research, Coimbatore	150	12
4.	Tagore Medical College and Hospital, Vandalur	150	12
5.	Vellammal Medical College Hospital and Research Institute, Madurai	150	12
6.	Adiparasakthi Medical College and Research Institute, Melmaruvathur	150	10
Total			108

The Director of Medical Education to accommodate the above students duly adopting the modalities / procedures specified below:

- i. To prepare the merit list of the 108 students of Ponnaiyah Ramajayam Institute of Medical Sciences, Manamai Nallur, Kancheepuram. In the said merit list, 86 candidates who got admission in the above said college through the Selection Committee during the year 2016-17 based on the +2 marks i.e. merit list prepared by the Selection Committee as per the norms followed by the Selection Committee placed first in the merit and the remaining 22 students, who got admission in the above said College based on the NEET marks under management quota and without following the communal rotation, etc. placed below the candidates who got admission through the Selection Committee.

- ii. After preparing the merit list as narrated above, to conduct the counseling for allotting the above said 108 candidates in the six self financing Medical College through the Selection Committee of the Directorate of Medical Education, by following the usual procedures followed by them.
- iii. The Additional Director of Medical Education / Secretary, Selection Committee is permitted to collect a sum of Rs.500/- from each student as counseling fee, when the candidates attend the counseling.

13. The Director of Medical Education has further directed to ensure the following conditions while allotting the candidates to the above said Medical Colleges.

- a. undertaking / affidavit should be obtained from the students of Ponnaiyah Ramajayam Institute of Medical Sciences to be admitted in Self Financing Medical Colleges in Hundred Rupees bond paper on the date of joining in the respective Medical Colleges that they should satisfy all the Medical Council of India essentialities such as minimum eligibility, etc. as per the guidelines of the Medical Council of India and their admission is subject to the ratification by the Board of Governors in supersession of Medical Council of India.
- b. candidates should abide by the rules and regulations of the Government of Tamil Nadu, Directorate of Medical Education and Tamil Nadu Dr. M.G.R. Medical University.
- c. candidates are eligible to write their II year MBBS examination only on completion of the required period of attendance and other requisites stipulated by the Tamil Nadu Dr. M.G.R. Medical University.
- d. The fee is as per the fee fixed by the Fee Committee for the respective institution. Further, these candidates are not eligible to claim stipend during the Compulsory Rotatory Residential Internship period and they will not be eligible for transfer during Compulsory Rotatory Residential Internship period as in the case of other Government Medical College students.

14. The Director of Medical Education and Secretary, Selection Committee are directed to conduct counseling by following the usual procedures and submit a compliance report to Government immediately.

(BY ORDER OF THE GOVERNOR)

BEELA RAJESH
SECRETARY TO GOVERNMENT

To

The Director of Medical Education, Chennai-600 010.

The Additional Director of Medical Education / Secretary, Selection Committee,
Office of the Director of Medical Education, Chennai-600 010.

The Registrar, The Tamil Nadu Dr.M.G.R. Medical University, Guindy,
Chennai-600 032.

The Secretary, Ministry of Health and Family Welfare, Government of India,
Nirman Bhavan, New Delhi – 110 011.

The Secretary General, Board of Governors in supersession of Medical Council of India, Pocket 14, Sector 8, Dwaraka, Phase-I, New Delhi -110 077.

The Registrar, High Court of Madras, Chennai-600 104.

Copy to:

The Special Personal Assistant to Hon'ble Minister for Health and Family Welfare, Secretariat, Chennai-600 009.

✓ The Health and Family Welfare (Data Cell) Department, Chennai-600 009.
Stock file / Spare copy.

// FORWARDED / BY ORDER //

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SECTION OFFICER

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23/5/19