



ABSTRACT

Medical Education - Writ Petition – W.P.No.25215, 26085 and 26177 of 2017 filed by Thiru. Hariprasad and others, Annai Medical College and Hospital before the Hon'ble High Court of Madras, Chennai – With a prayer to give admission in Government Medical Colleges – Judgement delivered – Complied with – Orders Issued.

HEALTH AND FAMILY WELFARE (MCA-2) DEPARTMENT

G.O.(Ms) No. 71

Dated : 02.03.2018
Thiruvalluvar Aandu 2049
Heyvilambi, Masi – 18
Read:

1. Government Letter No. 34797/MCA2/2010-2, Health and Family Welfare Department, dated 30.09.2010.
2. Government Letter No. 17797/MCA2/2011-1, Health and Family Welfare Department, dated 11.05.2011.
3. From the Under Secretary to Government of India, Ministry of Health and Family Welfare, New Delhi, Letter No.U.12011/13/2016-ME.I, Dated 20.8.2016.

Read also:

4. Orders of the Hon'ble High Court of Madras, dated 22.12.2017 in W.P.No.25215, 26085 and 26177 of 2017.
5. Government Letter No.34889/MCA2/2017-6, Health and Family Welfare Department, dated 29.12.2017.
6. From the Under Secretary to Government of India, Ministry of Health and Family Welfare, New Delhi, Letter No.U.12012/1/2018-ME.I.[3137644], Dated 21.2.2018.
7. From the Director of Medical Education Letter Ref. No.77697/ME1/1/ 2017, Dated 26.02.2018.

ORDER :

In the Government Letter first read above, the Government had issued an Essentiality Certificate to Sri Devi Karumariamman Educational Trust for the establishment of a new Medical College in the name and style as "Annai Medical College and Hospital" at Pennalur, Sriperumbudur, Kancheepuram District with an annual intake of 150 seats from the academic year 2011-2012. But,

the Medical Council of India have decided not to issue Letter of Permission for establishment of New Medical College at Pennalur, Sriperumbudur Taluk, Kancheepuram, Tamil Nadu by Sri Devi Karumariamman Educational Trust u/s 10A of the Indian Medical Council Act, 1956 for the academic year 2011-12, in view of certain deficiencies and based on the report of the Dean, Madras Medical College that the institution i.e. Annai Medical College and Hospital has no full-fledged 300 bedded hospital and other required buildings, the Essentiality Certificate already issued to Sri Devi Karumariamman Educational Trust in Government letter first read above, was cancelled in the Government Letter second read above.

2. In their Letter third read above, the Ministry of Health and Family Welfare, Government of India has given approval for establishment of new Medical College at Pennalur in the name and style of Annai Medical College Hospital and Research Centre by Sri Devi Karumariamman Education Trust, Tamil Nadu with an annual intake of 150 MBBS seats for the academic year 2016-17 u/s 10A of Indian Medical Council Act, 1956 based on the Oversight Committee Report, subject to submission of the certain documents.

3. Based on the approval of the Ministry of Health and Family Welfare, Government of India, the Secretary, Selection Committee, Office of the Director of Medical Education had allotted 97 candidates for getting admission to the above said Medical College through the counseling for the academic year 2016-17. Out of 97 candidates allotted to the said Medical College, 87 candidates alone joined in the said Medical College. The Trust had filled up the 59 seats through management quota. But two candidates discontinued the course.

4. While conducting inspection by the Medical Council of India for giving recognition to the said College for the second year, it has been found that though the Oversight Committee had imposed certain conditions which have to be complied with in due course, the above said College has not been fulfilled and in view of certain deficiencies still persist. Hence, based on the recommendations of the Hearing Committee, the Ministry of Health and Family Welfare has declined to recognize the College for admitting the students for the academic years 2017-18 and 2018-19 vide its orders dated 31.5.2017. The Ministry of Health and Family Welfare, Government of India has again reiterated its earlier decision, dated 31.05.2017 and authorized the Medical Council of India to encash the Bank Guarantee of Rs.2 Crore.

5. As the Medical Council of India declined to give recognition to the above said College, the second year students of Annai Medical College and Hospital, Pennalur, have represented that the management of the college does not have the funds even to meet the obligations of the bank and it could not appoint necessary faculties and provide necessary facilities and the deficiencies pointed out by Medical Council of India and because of such deficiencies, even they should not be permitted to continue their course in that college and requested the Government to interfere immediately in the matter either by taking over the management of the college immediately or absorbing them in any of the Government Colleges and enable them to complete MBBS Course with quality education.

6. In the meantime, Thiru Hari Prasad and others, students of Annai Medical College filed Writ petitions (W.P.No.25215, 26085 and 26177 of 2017) before the High Court of Madras with a prayer to take over the responsibility of the students already admitted in the Annai Medical College and Hospital, Pennalur, Chennai including the petitioners with the permission of the Health Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi by transferring them to the Colleges run by the Government.

7. In its orders fourth read above, the Hon'ble High Court of Madras has allowed the writ petitions filed by the students of the Annai Medical College and Hospital and directed as follows :-

- i. The State Government shall send a proposal to the Medical Council of India to accommodate the students studying in the 6th respondent College, within a period of one week from the date of receipt of a copy of this order.*
- ii. The Medical Council of India, on receipt of the said proposal, shall take a decision and forward the same to the Hon'ble Apex Court monitored Oversight Committee within one week therefrom.*
- iii. The Oversight committee shall take a decision within a period of one week from the date of receipt of the decision of the MCI committee and forward the same to the Ministry of Health and Family Welfare.*
- iv. The Ministry of Health and Family Welfare shall pass necessary orders increasing the number of seats in Government Medical Colleges and approve the accommodation of students studying in the 6th respondent College in the 22 Government Medical Colleges functioning in the State of Tamil Nadu.*
- v. Tamil Nadu Dr.MGR Medical University and the State Government shall make necessary arrangements to conduct special classes to the accommodated students from the 6th respondent Medical College, so that the lost attendance could be made good and the newly admitted students could be brought on par with the regular students.*
- vi. The new trustees viz., Respondents 7 & 8 (Rajalakshmi Group) are directed to return all the certificates to the 6th respondent College students within a period of one week from the date of receipt of a copy of this order.*
- vii. The 6th respondent Medical 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.*
- viii. The students are required to file an affidavit stating that they shall pay the fees fixed by the fee fixation committee applicable for private medical colleges every year.*

8. The Government have examined the issue in detail in the light of the above orders of the Hon'ble Court and the learned opinion of the Advocate General of Tamil Nadu and have decided to comply with the orders of the Hon'ble Court. Accordingly, based on the orders of the Hon'ble Court, the Government have requested the Secretary, 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 144 students of the Annai Medical College and Hospital who were admitted during the year 2016-17 in the Government Medical Colleges as a special case. It has been further requested to invoke the bank guarantee of Rs. 9.5 crores and Rs.2.00 crores given by the Annai Medical College and Hospital for its failure to fulfill its obligation under said guarantee for establishing Medical College and teaching hospital facilities with infrastructure to Government of Tamil Nadu for accommodating the students.

9. In their letter sixth read above, the Government of India has stated that after considering the communication of Medical Council of India, the Government of India has accepted for accommodating 144 MBBS Students of 2016-2017 batch of Annai Medical College and Hospital, Pennalur, Chennai in other Government Medical Colleges of Tamil Nadu State as proposed by the State Government.

10. In his letter seventh read above, the Director of Medical Education has sent a detailed proposal for accommodating the 144 students of Annai Medical College and Hospital into the Government Medical Colleges, wherein he has stated that total number of students allotted to Annai Medical College and Hospital for year 2016-17 is 146 students, out of which 2 students left the college and hence the total strength of 144 students are to be reallocated to 21 Government Medical Colleges. Out of 144 students, 97 students were allotted by the Selection Committee, Office of the Director of Medical Education, and among which 10 candidates did not join and only 87 candidates have been admitted in Annai Medical College and Hospital through Selection Committee, Office of the Director of Medical Education through counselling. Apart from that 59 students were admitted through management quota and thus 146 students were admitted in Annai Medical College and Hospital during the academic year 2016-17. Thereafter 2 students left the college and thus the total strength is 144. One student Thiru.M.Balaji has failed in 1st year MBBS Examination hence he has to be accommodated in first year MBBS Course and the remaining 143 students are to be accommodated in 2nd Year MBBS course in Government Medical Colleges.

11. The Director of Medical Education has, further, stated that the 87 candidates allotted through the Selection Committee during the year 2016-17 may be accommodated in the Government Medical colleges by accommodating 7 students in each college based on the +2 marks i.e. merit list prepared by the Selection Committee as per the norms followed by the Selection Committee and the remaining 57 students selected through the management quota may also be accommodated in the Government Medical Colleges as per the NEET mark merit list and other norms followed by the Selection Committee. He has stated that the

following Government Medical Colleges are having 100 MBBS seats each and hence 8 candidates per college may be accommodated (i.e. 12 x 8 = 96):

1. Government Vellore Medical College, Vellore
2. Government Chengalpattu Medical College, Chengalpattu
3. Government Villupuram Medical College, Villupuram
4. Government Thiruvavur Medical College, Thiruvavur
5. Government Theni Medical College, Theni
6. Government Mohan Kumaramangalam Medical College, Salem
7. Government Dharmapuri Medical College, Dharmapuri
8. Government Kanniyakumari Medical College, Kanniyakumari
9. Government Sivagangai Medical College, Sivagangai
10. Government Tiruvannamalai Medical College, Tiruvannamalai
11. Government Medical College, Omandurar Estate, Chennai
12. Government Medical College & ESIC Hospital, Coimbatore

The following Government Medical College are having 150 seats each out of which 7 students can be accommodated in each of the 6 Medical Colleges and 6 candidates may be accommodated in one medical college.

1. Government Kilpauk Medical College, Chennai.
2. Government K.A.P. Viswanatham Medical College, Trichy
3. Government Thoothukudi Medical College, Thoothukudi.
4. Government Madurai Medical College, Madurai.
5. Government Thanjavur Medical College, Thanjavur.
6. Government Tirunelveli Medical College, Tirunelveli.
7. Government Coimbatore Medical College, Coimbatore.

12. The Director of Medical Education has also stated that the Madras Medical College, Chennai and Stanley Medical College, Chennai are having 250 MBBS seats which is the maximum limit of seats allotted by the Medical Council of India. As maximum limit is reached as per Medical Council of India norms, extra candidates cannot be accommodated as the infrastructure facilities will not be sufficient and faculty will not be able to concentrate on all these students and hence studies of candidates will be diluted. Hence for the above reasons further allotment to the above said two Medical Colleges is not possible. He has further stated that the following undertaking / affidavit should be obtained from the students of Annai Medical College and Hospital to be admitted in Government Medical Colleges in Rs.100/- bond paper on the date of joining in Government Medical Colleges:-

They should satisfy all 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 Medical Council of India finally ratifying the process.

The 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. The 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.

13. The Director of Medical Education has also stated that the fee has been fixed at Rs.3.25 lakhs per annum per candidate for the students of Annai Medical College and Hospital for the year 2016-2017 as per the Fee Fixation Committee. The said institution is permitted to collect an amount of Rs.10,000/- per student as development fee as per the instructions of the Fee Committee. The above said fee does not include Hostel, Transport and Mess charges. He has therefore, requested to fix the fee of Rs.3.25 lakh per annum per candidate for the students admitted at Annai Medical College for the year 2016-2017. He has, further, stated that these candidates are not eligible to claim stipend during the Compulsory Rotatory Residential Internship period and not eligible for transfer during Compulsory Rotatory Residential Internship period as in the case of other Government Medical College students. In fine, he has requested to issue suitable instructions to proceed further.

14. In the meantime, the writ petitions filed by the students again came up for hearing on 01.3.2018. During the hearing, the proposal of the Director of Medical Education which was sent to Government was produced to the Hon'ble Court. Upon hearing and the submissions made by the Counsel for the Government, going through the proposal of the Director of Medical Education, the Hon'ble Court was pleased to direct that the Government has to pass orders by 2.3.2018 on the proposal of the Director of Medical Education and produce the copy of the orders so passed to the Hon'ble Court on 5.3.2018 to reward compliance and the counseling shall be conducted and completed on 6.3.2018.

15. The Government have examined the proposal of the Director of Medical Education in detail in the light of the orders of the Hon'ble Court in W.P. Nos.25215, 26085 and 26177 of 2017, dated 22.12.2017, the Government direct the Director of Medical Education to absorb all the 144 MBBS students of Annai Medical College and Hospital, Pennalur, Sriperumpudur Taluk, Kancheepuram District, who are admitted in the academic year 2016-17 and who are to be relocated based on the said orders of the Hon'ble High Court of Madras in the Government Medical Colleges duly adopting the modalities / procedures specified below:

- i. To prepare the merit list of the 144 students of Annai Medical College and Hospital. In the said merit list, 87 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 57 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 144 candidates in the Government Medical College through the Selection Committee of the Directorate of Medical Education, by following the usual procedures followed by them.
- iii. To allot the number of students mentioned against the name of the Government Medical College as follows:

Sl. No.	Name of the Government Medical College	No. of students to be allotted
The College which have 100 MBBS intake of seats		
1.	Government Medical College, Omandurar Estate, Chennai	08
2.	Government Chengalpattu Medical College, Chengalpattu	08
3.	Government Villupuram Medical College, Villupuram	08
4.	Government Vellore Medical College, Vellore	08
5.	Government Tiruvannamalai Medical College, Tiruvannamalai	08
6.	Government Dharmapuri Medical College, Dharmapuri	08
7.	Government Mohan Kumaramangalam Medical College, Salem	08
8.	Government Medical College & ESIC Hospital, Coimbatore	08
9.	Government Thiruvallur Medical College, Thiruvallur	08
10.	Government Theni Medical College, Theni	08
11.	Government Sivagangai Medical College, Sivagangai	08
12.	Government Kanniyakumari Medical College, Kanniyakumari	08

The College which have 150 MBBS intake of seats			
13.	Government Kilpauk Medical College, Chennai.		07
14.	Government Coimbatore Medical College, Coimbatore.		07
15.	Government K.A.P. Viswanatham Medical College, Trichy		07
16.	Government Thanjavur Medical College, Thanjavur.		07
17.	Government Madurai Medical College, Madurai.		07
18.	Government Tirunelveli Medical College, Tirunelveli.		07
19.	Government Thoothukudi Medical College, Thoothukudi.		06
		TOTAL	144

- iv. To accommodate all the 144 students of the Annai Medical College and Hospital in the above said Government Medical Colleges in the second year of MBBS course, except one Thiru.M.Balaji, who failed in 1st year MBBS Examination hence he alone has to be accommodated in first year MBBS Course in the college he selected during the counseling.
- v. To give suitable direction to the Deans of the respective Colleges to obtain an undertaking / affidavit from the students of Annai Medical College and Hospital to be admitted in Government Medical Colleges in Rs.100/- bond paper on the date of joining in Government Medical Colleges to the effect that they should satisfy all 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 Medical Council of India finally ratifying the process. The 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. The 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.
- vi. As the Fee Committee has fixed a sum of Rs.3.25 lakh as Tuition Fee for the candidates who joined in the Annai Medical College and Hospital in State quota for the academic 2016-17 and the Fee Committee has not fixed any prescribed tuition fee for the candidates admitted in the above said College under Management quota. The tuition fee shall be at Rs.3.25 lakh per annum per candidate for all the students of Annai Medical College and Hospital for the

year 2016-2017 to be relocated in Government Medical Colleges excluding other fees such as Hostel, Transport and Mess charges etc. Their admission in the Government medical college in the second year shall be on collection of the fee from the individual students or if they already paid to the Annai Medical College and Hospital earlier, they should produce the proof of payment to the institution and that the amount so paid by the students shall be transferred by the institution to the Director of Medical Education immediately.

- vii. To inform all the 144 students of Annai Medical College and Hospital that the candidates while completing their MBBS course, they can be treated as a non-stipendiary candidates during their Compulsory Rotatory Residential Internship period and they are not eligible to claim stipend during their Compulsory Rotatory Residential Internship period and they will not be eligible for transfer to other Medical Colleges during Compulsory Rotatory Residential Internship period as in the case of other Government Medical College students. The Director of Medical Education is also requested to obtain an undertaking incorporating all the conditions during the counseling itself.
- viii. To conduct the counseling on 6.3.2018 as directed by the Hon'ble High Court of Madras with proper intimation to all the 144 candidates through the Secretary, Selection Committee.
- ix. To request the Additional Director of Medical Education / Secretary, Selection Committee to collect a sum of Rs.500/- from each student as counseling fee, while the candidates who attending the counseling.

16. The Director of Medical Education is directed to submit a compliance report to Government in due course.

(BY ORDER OF THE GOVERNOR)

**J. RADHAKRISHNAN
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Medical Education, Chennai-10.

The Additional Director of Medical

Education /Secretary, Selection Committee,

Office of the Director of Medical Education, Chennai-10.

The Registrar, The Tamil Nadu Dr.M.G.R. Medical University, Guindy, Chennai-32.

The Secretary, Ministry of Health and Family Welfare,

Government of India, Nirman Bhavan, New Delhi – 110 011.

The Secretary, Medical Council of India,

Pocket.14, Sector-8, Dwaraka Phase, New Delhi – 110 077.

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

Copy to:

The Special Personal Assistant to Hon'ble Minister for
Health and Family Welfare, Secretariat, Chennai-9.

✓ The Health and Family Welfare (Data Cell) Department, Chennai-9.

SF/SC.

// FORWARDED / BY ORDER //

[Handwritten Signature]
SECTION OFFICER
2/3/18