

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 244 OF 2013

SINHGAD TECHNICAL EDUCATION SOCIETY &ANR Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With application for directions, permission to file additional documents and office report)

WITH W.P(C) NO. 256 of 2013

[SINHGAD TECHNICAL EDUCATION SOCIETY & ANR. V. UNION OF INDIA & ORS.]

(With application for directions, permission to file additional documents and office report)

Date: 30/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Amarendra Sharan, Sr. Adv.
Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Praseena E. Joseph, Adv.
Mr. Shivendra Singh, Adv.
For M/S. Lawyer'S Knit & Co, Advs.

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.
For MCI Mr. Amit Kumar, Adv.
Mr. Avijit Mani Tripathi, Adv.
Mr. Anil Kumar, Adv.
Ms. Rekha Bakshi, Adv.

For UOI Mr. Siddharth Luthra, ASG.
Mr. Aditya Singla, Adv.
Ms. V. Mohana, Adv.
Ms. Sushma Suri, Adv.

For State Mr. Sanjay V. Kharde, Adv.
Ms. Asha Gopalan Nair, Adv.

...2/-

UPON hearing counsel the Court made the following
O R D E R

WRIT PETITION (C) NO. 244 of 2013
The Writ Petition is disposed of in terms of the signed order.
WRIT PETITION) NO. 256 of 2013
Having perused the orders of the Board of Governors of the Medical Council of India challenged in this Writ Petition we are not inclined to interfere with the impugned orders so far as they relate to academic session 2013-2014. The Writ Petition is dismissed.
We are told that the petitioners have applied for the academic session 2014-2015 to the MCI for the very same seats. The MCI will consider the same in accordance with its norms and take an early decision not later than 31st January, 2014.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 244 OF 2013

SINHGAD TECHNICAL EDUCATION
SOCIETY & ANR.

..... PETITIONERS

VERSUS

UNION OF INDIA & ORS.

..... RESPONDENTS

O R D E R

By order dated 18th July, 2013, this Court had requested the learned counsel appearing for the Medical Council of India [for short 'the MCI'] to take instructions as to why letter of permission should not be issued to the petitioners for 3 instead of 1 student per year in M.D. (Radio Diagnosis), 3 students instead of 2 students per year for M.D. (Paediatrics) and 6 students instead of 2 students for M.S. (OBG) in the Institute of the petitioners.

On instructions, Mr. Patwalia learned counsel appearing for the MCI made his submissions to support the decision taken by the MCI. We have not found any good reason given by him on behalf of the MCI to deny 3 seats in M.D. (Radiodiagnosis) and to deny 3 seats in M.D. (Paediatrics). Hence, we direct the MCI to issue letter of permission to the petitioners forthwith (i.e. within three days from today) for the aforesaid two courses.

Regarding M.S.(OBG), Mr. Patwalia referred to the following criteria regarding operative work load laid down in the Circular dated 20th November, 2009:

"Operative Workload - At least one major and two minor operations per day per teaching faculty and residents i.e. in a given unit having 3 teaching faculty members the operative workload should be at least 3 major and 6 minor operations per day for an institution running post graduate courses in a surgical department. The operation theatre should function daily. If more than one unit are allocated operation theatres on a given day, the number of operations should be increased proportionately. Thus, in a week having six working days, the operative workload for an institution running a post-graduate course should be minimum of 18 major and 36 minor operations per week. The Anaesthesia workload should be commensurate with number of operations being performed in the institution daily."

Mr. Patwalia, submitted that the operative work load should be at least one major and 2 minor operations per teaching faculty and in a given unit having 3 teaching faculty members, the operative work load should be at least 3 major and 6 minor operations per day for an institute running P.G. Course in surgical department. He submitted that from the summary of the OBG Assessment Report dated 4th December, 2012, it appears that the

petitioners have an operative work load of 3 major (2 + 1) and 6 minor (4 + 2) and, therefore the petitioners are not eligible to 6 seats as claimed.

After considering the arguments of Mr. Patwalia, we find that since the petitioners have an operative work load of 3 major and 6 minor operations per day, it is eligible to at least 1 unit which comprises 3 seats. Accordingly, the MCI was not right in granting letter of permission for only two seats in M.S. (OBG). We, accordingly, direct the MCI to issue letter of permission be issued accordingly forthwith (i.e. within three days from today).

In anticipation of the issuance of letter of permission the petitioners will be permitted by the respondents to admit students for 3 seats of MD (Radio Diagnosis), 3 seats for M.D. (Paediatrics) and 3 seats of M.S. (OBG) in accordance with relevant rules and regulations in force.

The Writ Petition stands disposed in the above terms.

.....J
[A.K. PATNAIK]

.....J
[JAGDISH SINGH KHEHAR]

NEW DELHI
JULY 30, 2013.