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भारतीय आयुर्विज्ञान परिषद्
MEDICAL COUNCIL OF INDIA

No. MCI-34(41)/2010-Med./ 15260

Date: 22/01/2015

The Secretary,
Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi - 110011.

(Kind Attention: Sh. Sudhir Kumar, Under Secretary (ME))

Sub:- Sri Venkateshwara Medical College Hospital and Research Centre, Pondicherry - Recommendation of MCI for academic year 2010-11 batch of 150 students - regarding.

Sir,

It is stated that an assessment for renewal of permission for admission of 4th batch of students for the academic session 2010-2011 at Sri Venkateshwara Medical College Hospital & Research Centre, Pondicherry was carried out by the Council Assessors on 14th & 15th June, 2010. The Assessment report was considered by the Board of Governors and noted as under:-

"It was discovered on scrutiny of declaration forms that Dr. M. Saravana Vinex joined your institution as full time tutor in the Department of Orthopedics on 01.06.2010 and was relieved on 16.06.2010 by your college and again he presented himself before the Assessment Team of MCI on 21.06.2010 as full time tutor in the Department of Community Medicine of Meenakshi Medical College & Research Institute, Kanchipuram.

Similarly, Dr. K. Chandra Mohan Prakash joined your institution on 01.06.2010 as Tutor in the Department of Microbiology and was relieved on 16.06.2010 by your college and again he presented himself before the assessment team of MCI on 18.06.2010 as full time tutor in the Department of Biochemistry of Sri Manakula Vinayagar Medical College & Hospital, Pondicherry

Your institution submitted identical replies to both show cause notices on 9th July, 2010 and in your reply, it was admitted that they have been relieved on 16.06.2010 from your institution. In replies to show cause, apology was tender for inconvenience caused to MCI. The declaration forms submitted by above said faculty members forwarded by your institution clearly state that they have not presented themselves to any other assessment team of MCI after 01.08.2009.

The above said conduct clearly shows that these two faculty members were in fact not working with Sri Venkateshwara Medical College & Research Centre, Pondicherry and a false declaration has been knowingly and deliberately given with a view to mislead the team of Assessors. It is apparent that immediately after they were produced before the Assessment Team on 14.06.2010, they were relieved on 16.06.2010 to enable them to join their respective institutions. This will clearly fall within the definition of Suggestio Falsi.

The attention of Sri Venkateshwara Medical College & Research Centre, Pondicherry is drawn to the notice issued by MCI wherein the following was mentioned:
"8(3)(1)(d) of Establishment of Medical College Regulations, 1999 (As amended on the 16th April, 2010)
(d) Colleges which are found to have employed teacher with fake/forged documents. If it is observed that any institute is found to have employed a teacher with fake / forged documents and have submitted the Declaration Form of such a teacher, such

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as Institute will not be considered for renewal of permission / recognition for award of MBBS degree / processing the application for PG courses for two Academic Years, i.e., that Academic Year and the next Academic Year also."

The MCI sought legal opinion from the Ld. Senior Advocate of the Hon'ble Supreme Court of India and his opinion was taken into consideration and the competent authority came to the conclusion that Sri Venkateshwara Medical College & Research Centre, Pondicherry has practiced systemic fraud since these two faculty members were engaged by your institution for the purpose of assessment on 14th & 15th June, 2010 and were thereafter immediately relieved on 16.06.2010 to enable them to rejoin their original institutions.

The Board of Governors after considering the facts of the case as well as the legal opinion has decided that Sri Venkateshwara Medical College & Research Centre, Pondicherry be debarred from admitting the students in MBBS Course for the current academic year i.e. 2010-11.

In view of above, the Board of Governors decided not to renew the permission for admission of 4th batch of MBBS students for the academic year 2010-11 at Sri Venkateshwara Medical College & Research Centre, Pondicherry."

The above decision was communicated to the College authorities vide Council letter dated 15/07/2010 with copy to concerned authorities as well as Central Govt.

The college authorities filed a Writ Petition No.15914/ 2010 against the decision of the Board of Governors in the Hon'ble High Court of Madras. The Hon'ble High Court of Madras passed an order dated 30/07/2010. (copy enclosed as Annexure-1). The operative part of the order is reproduced as under:-

.....
24. Accordingly, there will be an order of interim stay of all further proceedings pursuant to the impugned order dated 15/07/2010 of the second respondent.

25. There will be an interim direction to the respondents to provisionally permit the petitioner to admit the students for the academic session 2010-2011 till the disposal of the writ petition. However, it is made clear that the admission of the students is subject to the result of the writ petition and the students also have to be notified about the pendency of the writ petition, by the petitioner's college. It is further made clear that the candidates can choose the petitioner - college during the cancelling for their MBBS, course for 2010-11 as done in the previous years.
.....

The Council filed writ appeal No.1970/2010 against the interim Order dated 30/07/2010. The said appeal of the MCI came up for hearing before the Hon'ble High Court on 01/10/2010 and 05/10/2010, when the Hon'ble Court was pleased to pass the following order:-

" Pending admission of the Writ Appeal, status quo shall be maintained."

Later on, the above Writ Appeal filed by the MCI was dismissed by the Ld. Division Bench of the Hon'ble High Court of Madras vide its judgment dated 13/10/2011 (copy enclosed as annexure -2).

The main writ petition No. 15914 of 2010 and 17384 of 2011 filed by Sri Venkateshwara Medical College, Hospital & Research Centre, Pondicherry was also allowed by the Hon'ble High Court on 03/11/2011 by quashing the impugned order dated 15/07/2010 passed by the Board of Governors, MCI by directing the respondents to announce the results of the examination for the academic year 2010-2011 for the 1st year MBBS Course within a

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period of one week from the date of receipt of a copy of the order (Copy of the order enclosed as annexure -3)

The Council again filed Writ Appeal No.1737/2012 against the final order dated 01/11/2011 passed by the Ld. Single Judge in W.P.No.15914/2010. The said appeal of the MCI was also dismissed on 31/10/2012 as having become infructuous (Copy of the order enclosed as annexure -4)

The matter was placed before the Retainer Advocate for opinion regarding possibilities of filing SLP against the Order of the Hon'ble High Court. On receipt of the opinion of the Retainer Advocate, the matter was considered by the Board of Governors on 13/02/2013 and the Board of Governors approved the advise of the Retainer Advocate that there is no need to file any SLP against the order of the High Court dated 31/10/2012.

On receipt of the representation from the college authorities to accord approval permission for the year 2010-2011 batch of 150 students of the institution and also edit the MCI website, the matter was considered by the Executive Committee of the Council at its meeting held on 09.05.2014 and the Committee decided to obtain legal opinion from a Senior Advocate. Accordingly, the legal opinion dated 05.12.2014 of Shri Paramjeet Singh Patwalia, Additional Solicitor General of India has been obtained in the matter, a copy of which is enclosed as Annexure-5 for ready reference.

The above matter was considered by the Executive Committee of the Council at its meeting held on 13.01.2015 and the Committee decided to accept the said legal opinion and directed the office to issue a formal order granting renewal of permission for 4th batch of 150 MBBS students of Sri Venkateshwara Medical College, Hospital & Research Centre, Pondicherry for the academic year 2010-2011

In view of the above, the Central Govt. Ministry of Health & Family Welfare, New Delhi is requested to issue a formal order granting renewal of permission for 4th batch of 150 MBBS students of Sri Venkateshwara Medical College, Hospital & Research Centre, Pondicherry for the academic year 2010-2011

Yours faithfully,

S. Savitha
(S. Savitha)

Section Officer

Encl.: As above.

C.C.:-

1. The Principal, Sri Venkateswara Medical College Hospital and Research Centre, No. 31-B, Jawaharlal Nehru Salai, Thirunagar, Vadapalani, **Chennai - 600 026**, in reference to their letter dated 22/01/2014, 27/01/2014, 13/10/2014 and 21/11/2014.

2. Computer Section, Medical Council of India, Dwarka, New Delhi