

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (C) No.932 of 2019

Dumka Medical College, Dumka & Another.

.... Petitioners (s)

Versus

**Board of Governors in Supersession of Medical Council
of India & Another.**

.... Respondent (s)

With

Writ Petition (C) No.945 of 2019

Writ Petition (C) No.970 of 2019

Writ Petition (C) No.72 of 2021

J U D G M E N T

L. NAGESWARA RAO, J.

1. The Government of India identified three Districts in the State of Jharkhand namely Dumka, Hazaribagh and Palamu for establishing new Medical Colleges. A Memorandum of Understanding was entered between the Ministry of Health and Family Welfare, Government of India and State of Jharkhand under the Centrally sponsored scheme namely “Establishment of New Medical Colleges Attached with

Existing District/Referral Hospitals”, to establish new Medical Colleges in the State. The State of Jharkhand granted essentiality certificates to all the three proposed Medical Colleges.

Writ Petition (C) No.932 of 2019

2. The State of Jharkhand filed an application on 05.07.2018 for permission to establish a new Medical College at District Dumka. The Government of India forwarded the scheme of the Medical College to the Medical Council of India (hereinafter, ‘the MCI’) on 13.07.2018 for considering the establishment of a new Medical College with an annual intake of 100 students in MBBS course for the academic year 2019-2020. A physical assessment was carried out by the MCI on 19/20th December, 2018. During the inspection, the following

gross deficiencies were found: -

1. “Faculty & Residents – 100 % deficiency.
2. Bed occupancy – 25.3 %.
3. OPD attendance – 250 against 400.
4. Infrastructure for – LTs, examination hall, central library residential accommodation, practical lab in pre & para-clinical not available.
5. Blood Bank – license validity expired.
6. Deficiency of nursing staff- 50 available against required – 175.
7. No AREB for X-ray machine.
8. Causality – bed occupancy – 0%.
9. OTs – 3 major OTs & 1 minor OT deficiency.
10. No beds in – dermatology, psychiatry, ortho; shortage of beds in OBG.

11. No teaching area in OPD & wards.
12. OPD- not computerize.
13. No dressing & Plaster room, no speech therapy”.

3. The Petitioner-College was informed by a letter dated 30th January, 2019 by the MCI about the deficiencies and was given 30 days’ time to rectify the deficiencies. As no compliance was received, two reminders were sent to the College authorities by the MCI vide letters dated 04.04.2019 and 23.04.2019. Compliance report was submitted by the College on 23.04.2019. A compliance verification assessment was carried out by the MCI on 14th May, 2019. The Council’s Assessors found that the buildings were under construction and the Dean of the College was not available.

4. By a letter dated 23.05.2019, the MCI requested the Dean/Principal of the College to appear before the Hearing Committee on 28.05.2019. The Dean/Principal of the Medical College did not appear. The Hearing Committee decided not to grant permission for establishment of a new Medical College at Dumka in view of the deficiencies of faculty (100 per cent) and very low bed occupancy (25.3 per cent). The MCI communicated the decision not to grant permission to the College by a letter dated 31.05.2019. The Petitioner filed this Writ Petition challenging the letter dated 31.05.2019. It was submitted by the Petitioner before this

Court on 19.08.2019 that all the deficiencies pointed out by the MCI have been rectified. After recording the submission made on behalf of the Petitioner, this Court relied upon an earlier order passed in connection with three Government Medical Colleges from the State of Bihar and four Government Medical Colleges from the State of Uttar Pradesh and permitted the Petitioner-College to be allotted seats through the Centralized Admission Process, strictly in order of merit. The Principal Secretary, Department of Health, State of Jharkhand was directed to file an affidavit that the deficiencies in question have been rectified and that the remaining deficiencies will be removed within a period of three months from the date of the order.

5. To verify the status of deficiencies pointed out at the previous assessment carried out on 19/20th December, 2018 and to assess the infrastructure available with the College, an inspection was carried out by the MCI on 15/16th November, 2019 to consider the renewal of permission for the academic year 2020-2021. The following deficiencies were found in the assessment.

“Deficiencies pointed out by the assessors for LOP level (for establishment of College) as per the present report (15th & 16th November, 2019).

1. Deficiency of Faculty is 57.62% (34 out of 59)
2. Deficiency of Residents is 75.55% (34 out of 45)
3. Bed occupancy is 42%
4. OPD attendance is 236 against the requirement of 400.
5. Infrastructure for LTs, Examination Hall, Central Library Residential accommodation, Practical Lab in pre and paraclinical partially rectified.
6. Blood bank license validity not complied.
7. Nursing Staff is 38 against the requirement of 175.
8. Availability of AERB for X-ray not complied.
9. Casualty bed occupancy partially rectified.
10. Major operation theatre are under renovation, one major surgery OT is functional.
11. No beds in Dermatology and Orthopedics.
12. Teaching area in OPD and wards not complied.
13. OPD not computerized.
14. No dressing and Plaster room, No Speech Therapy.
15. No salary paid faculty since established.”

Deficiencies pointed out in the assessment report dated 15th & 16th November, 2019 for Renewal of Permission for admission of 2nd batch (1st renewal) for the Academic Year 2020-21.

1. Deficiency of faculty is 67.05% (57 out of 85)
2. Deficiency of Residents is 76 . 59% (36 out of 47).
3. Bed occupancy is 42%.

4. OPD attendance is 236.
5. No LT's available Classes taken in library.
6. Library not available — under construction Books only 600/1 500 Journals — Nil 'No Internet
7. No Photography equipment/ staff available
8. No Quarters for teaching non-teaching staff
9. No recreational facility
10. No Gender Harassment Committee
11. OPD& X-ray space inadequate
12. No teaching area in OPD
13. No plaster room / cutting room in central OPD
14. No Refraction room, dark room minor OT in ophthalmology OPD
15. No Dressing room in Surgical OPD
16. No audiometry room/ audiometry in ENT OPD
17. Bed deficiency
 - * 8 in dermatology
 - * 30 in orthopedics
 - * Total 38 beds deficiency
 - * There are no teaching areas, duty room demo room treatment room in any wards.
18. Only 2 minor OT Cases. No major surgeries
19. Only 10 patients in Casualty in 24 hrs.
 - 18 X-ray
 - No USG No Microbiology samples
 - No Hematology Samples
 - No Histopathology Samples

No Cytopathology Samples

No Serology Samples

20. MRD non computerized ICDX not followed.
21. In Casualty, no defibrillator, ventilator, mobile X -ray, minor OT, Central Suction.
22. 3 OTs deficient.
23. 1 minor OT deficient
24. OT's are not equipped and are non — functional.
25. No Pre-operative or Post-operative wards.
26. No ICU, ICCU, SICU available
27. Deficiency of 60 mAx1 X-ray machine | 100 mA x1
28. AERD not approved for any X-ray machines
29. No USG machines available
30. Blood bank license valid till Dec 18,
31. CSSD- not available
32. No intercom available
33. No canteen available.
34. Nursing staff deficiency: -
 - 103 Nursing Staff (38/ 141)
 - 27 Sister incharge (0/27)
 - 4ANS (0/4)
 - 2DNS (0/2)
 - 1 Nursing Superintendent (0/1)

- 31 para-Medical staff (67/101)
- 35. No website available.
- 36. No teaching programme in place.
- 37. All pre & para clinical departments are not available — still under construction.
- 38. RHTC, UHTC do not have specific visits, OPD's, cold chain Immunisation, Health programme.
- 39. No Salary paid to any doctors since College established.”

6. The College was directed to rectify the deficiencies within a period of 30 days from 29th November, 2019. The Writ Petition was listed on 2nd December, 2019 on which date the learned counsel appearing for the MCI submitted that time for rectifying the deficiencies can be granted to the Petitioner till 31st January, 2020, whereafter an inspection shall be undertaken by the MCI. Accepting the suggestions made by the MCI, this Court granted time till 31st January, 2020 to rectify the deficiencies. The Petitioner submitted its compliance by a letter dated 20.01.2020. A compliance verification assessment was done on 14th February, 2020 in which the following deficiencies were found: -

1. Deficiency of faculty is 71.76%.
2. Deficiency of Residents is 80.86%
3. OPD attendance is 315
4. Bed occupancy is 58%

5. The following deficiencies have still not been rectified:-
- Number of patients in OPD
 - Lecture theatre availability
 - Photography section
 - Recreational Facility
 - OPD space
 - X-ray
 - Feeding area in OPD
 - Plaster room in OPD
 - Refraction, Dark Room in eye OPD
 - No audiometry room/audiometry in ENT OPD
 - Bed deficiency
 - Major surgeries
 - MRD computerization
 - Casualty equipments.
 - OT's
 - Minor OTs
 - OT equipment
 - Pre and Post-Operative wards
 - ICU, SICU, ICCU availability
 - X-ray machines
 - AERB approval
 - Blood bank licence
 - CSSD
 - Intercom
 - Canteen
 - Nursing Staff deficiency
 - There is a gross deficiency of clinical material.

7. By a letter dated 9th October, 2020, the MCI requested the Principal of the College to appear before the Hearing Committee on 10th October, 2020. The explanation given by the Petitioner-College for not rectifying the deficiencies was not accepted by the MCI and disapproved the case of the College for renewal of permission for admitting second batch of MBBS students for the academic year 2020-2021. When the Writ Petition was listed on 27th January, 2021, this Court directed the State of Jharkhand to file an affidavit giving the

details of the infrastructure available and other facilities available in the College. In compliance of the said directions, a status report was filed by the State of Jharkhand in which it was stated that steps are being taken to rectify the deficiencies and the process for making appointments to the faculty has already been initiated.

Writ Petition No.945 of 2019

8. In response to the request made by the State Government for establishment of a new Medical College at Hazaribagh with an intake of 100 MBBS students for the academic year 2019-2020, a physical assessment was carried out by the MCI on 18/19th December, 2018. The assessment report revealed the following deficiencies: -

- “1. Deficiency of Faculty – 100%.
2. Deficiency of resident – 100%.
3. Bed occupancy of 60%.
4. OPD load of only 300 patients.
5. No office space available for Dean office, Staff or College council.
6. No lecture theatres in College.
7. No library.
8. No common room.
9. No Hostel for students.
10. No Hostel for nurses.
11. No accommodation for Residents.
12. No accommodation for teaching & non-teaching staff.
13. No sports facility.
14. No space for Medical Superintendent.
15. No Refraction room, dark room, procedure room in ophthalmology OPD.
16. No audiometry or speech therapy in ENT OPD.
17. No Special Clinic in Pediatrics on OBG/Gyne OPD.

18. 117 beds out of required 300 are available. Shortage of beds:
 - 57 beds in medicine
 - 4 beds in pediatrics
 - 8 beds in Dermatology
 - 8 beds in Psychiatry
 - 8 beds in TB & Chest
 - 58 beds in Surgery
 - 30 beds in Orthopedics
 - 10 beds in ENT.
19. No facilities as per MCI are available wards.
20. Clinical material is grossly inadequate. (300 OPD attendance, 40 X-Ray, 12 Biochemistry, 10 Microbiology, 30 Hematology, no Histopathology, No Cytopathology)
21. No computerization of MRD.
22. 6 beds short in causality. No Central Pipeline. No ambubag. No pulse oximeter.
23. 4 major OT & 1 minor OT short. No OTs are functional.
24. No intensive care area available.
25. One 60mA, one 100mA, one 600mA machine short. One USG machine short.
26. No CSSD available.
27. No Intercom.
28. No Laundry.
29. No Kitchen.
30. No Canteen.
31. No Department wise infrastructure equipment furniture books etc. are available for preclinical.
32. No website available."

9. In spite of time being granted for compliance, there was no response from the College. Ultimately, compliance was submitted on 23rd April, 2019. A compliance verification assessment was conducted on 8th May, 2019 during which

the following deficiencies were found: -

1. Deficiency of Faculty 100%
2. Deficiency of Residents 100%
3. OPD attendance 450
4. Bed Occupancy - 65%

5. Clinical material: No Microbiology and Histopathology cases.
6. Total number of beds 230 against requirement of 300 - Short by 70.
7. Dean Office, Staff Office, Council office - Under construction.
8. LT: Under construction - not available.
9. Library - Not available, under construction.
10. Common Room - Not available, under construction.
11. Hostel students - Not available, under construction.
12. Hostel Nurses - Not available, under construction.
13. Residents Accommodation - Not available, under construction.
14. Accommodation for Teaching / Non-Teaching Staff - Not available, under construction.
15. Sports facilities / Recreation - Not available
16. MS Office - Not available, under construction.
17. Refraction Room / Dark Room Ophthalmology OPD Not available.
18. Audiometry & Speech Therapy is not available in ENT OPD.
19. Special Pediatric clinic in OBGOPD - being made ready.
20. Wards - Not as per MCI requirements.
21. Clinic material - marginally improved since last assessment.
22. MRD - Not available.
23. Casualty - No Central Oxygen pipelines/pulse oximeter.
24. OT: 03 Major & 02 minor available.
25. Intensive care: ICU 5 beds: partially rectified.
ICCU: Nil
NICU/PICU: Nil
26. X-Ray Machines not available.
01 60 mA
01 100mA
01 600mA
27. USG- Not available
28. CSSD - Not available
29. Intercom: Not available
30. Laundry: Out sourced
31. Kitchen: Out sourced
32. Canteen: Not available
33. Department - No infrastructure in place. No equipment available.

- 34. Furniture – Available only for Anatomy, Physiology %
Biochemistry Dept.
- 35. Books – Available only for Anatomy, Physiology &
Biochemistry Dept.
- 36. Website -- Not available
- 37. Other deficiencies –
 - A) No ramp in the hospital.
 - B) Distance between hospital beds not as per MCI requirements.
 - C) No permanent MS employed.

10. Despite an opportunity being given, the Dean/Principal of the College did not appear before the Hearing Committee. A decision was taken on 31st May, 2019 not to grant permission for establishment of a new College at Hazaribagh in view of the faculty and resident deficiency being 100 per cent, low bed occupancy being 65 per cent, low OPD attendance, inadequate clinical material and extensive infrastructure deficiency. The Petitioner filed this Writ Petition assailing the order dated 31st May, 2019. The order that was passed by this Court on 19th August, 2019 in Writ Petition No. 932 of 2019, directing admissions was extended to the Petitioner-College as well, subject to the filing of an undertaking, the details of which have been dealt with earlier.

11. Assessment was made for grant of permission for second batch of students in MBBS course for the academic year 2020-2021 and the following deficiencies were found: - Deficiencies pointed out by the assessors for LOP level (for establishment of College) as per the present report (15th & 16th November, 2019)

1. Deficiency of Faculty is 37.2 % (22 out of 59)
2. Deficiency of Residents is 57.7 % (26 out of 45)
3. On the day of assessment: no microbiology and Histopathology cases.
4. On the day of assessment total no. of beds 230 against requirement of 300 - short by 70.
5. Library availability still under construction.
6. Hostel nurses - not available, under construction.
7. MS Office - not available, under construction.
8. Audiometry and Speech therapy is not available.
9. Special Paediatrics clinic in OBGOPD - not available.
10. Wards - not as per MCI requirements.
11. Clinical material: marginally improved since last assessment.
12. MRD - not available.
13. Casualty: no Central Oxygen pipelines/Pulse Oxymeter.
14. OT: 1 major and 2 minor available - not rectified.
15. Intensive Care - ICU - 5 beds not available.
16. ICCU - Nil
17. NICU/PICU - Nil
18. X-Ray machine - not available.
01 60 mA - not available.
01 100 mA - not available.
01 300 mA - not available.
19. USG - 1 available deficiency partially rectified.
20. CSDD - not available.
21. Intercom - not available.
22. Laundry: out source
23. Kitchen: out source.

24. Canteen: available in College, not available in hospital.
25. No ramp in the hospital
26. Distance between hospital beds not as per MCI requirements.

Distance pointed out in the assessment report (15th & 16th November, 2019) for renewal of permission for 2nd batch (1st renewal) for the academic year 2020-2021.

1. Deficiency of Faculty is 43.5% (37 out of 85).
2. Deficiency of Residents is 59.5% (28 out of 47).
3. Library still under construction
4. Books & journals available in make shift temporary structure.
5. Photography section not available.
6. 32/47 room for Residents available.
7. No accommodation for nursing staff available.
8. No accommodation (0/32) for non-teaching staff available.
9. MS Office space not available.
10. OPD Registration is non-computerised.
11. X-ray room in OPD not available.
12. Audiometer not available in ENT.
13. No special clinics in Paediatrics/Obst./Gynaec. Available.
14. Bed deficiency
 - 8 in TB chest
 - 8 in Psychiatry
 - 8 in skin
 - 30 in Gen. surgery
 - 11 in orthopaedics
 - 5 in ENT
 Total 70 beds.
15. Wards do not have nursing station treatment room, pantry, store room, duty room, demo rooms.
16. Only 44 x rays.

17. No Histopathology, Cytopathology, Micro samples.
18. MRD non-computerised. ICDX not done.
19. Casualty does not have central O2/Suction, Crash cart, emergency, drug tray, ventilator, defibrillator.
20. Only major OT available.
21. No pre- or post-OT beds
22. No ICU, ICCU, SICU available.
23. No separate beds/Eclampsia beds in Labour room
24. X ray machine
 - 1 x 60 mA
 - 1 x 100 mA
 - 27 x 300mA
25. No AERB approval for 600 mA machine. } Deficiency
26. UGS deficiency
27. CSSD not available
28. No intercom available
29. No central lab available
30. Deficiency or nursing staff
 - 97 nursing sister (44/141)
 - 19 sister in charge (8/27)
 - 4 ANS (0/4)
 - 2 DNS (0/2)
 - 1 nursing Superintendent (0/1)
31. 53 paramedical staff (48/101)
32. Museum is still under construction
33. No AV wards in paramedical clinical departmental training area.

12. A compliance verification assessment was conducted on 14th February, 2020 during which the following deficiencies were found.

1. Deficiency of faculty is 44.7%.
2. Deficiency of Residents is 23.4 %
3. The following deficiencies have still not been rectified:
 - Rooms for Residents hostel.
 - Nursing staff accommodation.
 - Audiometer availability.

- Nursing Station, Pantry, treatment room, duty rooms in ward.
- Histopathology, cytopathology specimen.
- MRD computerisation
- Casualty equipment.
- Minor OT in OPD
- Pre & post-operative beds
- ICU/ICCU/SICU
- CSSD
- Intercom
- Nursing staff deficiency
- AV aids
- Para clinical depts. Availability
- OT equipments
- There are no discharges and only 59 admission in the hospital.
- 16 surgeries and no histopathology. This is a clinical mismatch.

13. After hearing the representative of the Petitioner on 10th October, 2020, the request for permission for admitting second batch of MBBS students for the academic year 2020-2021 was disapproved.

Writ Petition No.970 of 2019

14. In response to the request made by the State for Grant of permission to establish a new Medical College at Palamu with an intake of 100 MBBS students for the academic year 2019-2020, a physical assessment was carried out by the MCI on 18/19th December, 2018 during which the following deficiencies were found.

1. Faculty shortage of - 100 %
2. Resident shortage of - 100 %
3. Shortage of Nursing staff:- No Nursing Supdt. (1- Shortage), No Dy. Nursing Supdt. (2 Shortage), No

Nursing sisters (23 Shortage), 12- staff nurses available (129 Shortage) and 28 paramedical staff, ‘

4. Dean not available on Assessment.
5. Dean office, office space under construction.
6. Lecture Theatre is under construction.
7. Library is under construction. No book & Journals.
8. No common room.
9. No Hostel available.
10. No quarters available.
11. No Recreational facilities available.
12. No teaching area in hospital.
13. No audiometry & speech therapy in ENT OPD.
14. 168/300 beds available. Shortage of:-
 - 42 beds In Medicine.
 - 14 beds in Pediatrics
 - 08 beds in Psychiatry.
 - 08 beds in Dermatology.
 - 40 beds in Surgery. –
 - 10 beds in ENT.
15. Infrastructure in wards is grossly deficient.
16. OPD load is of 350.
17. Bed Occupancy is 60%.
18. Despite 8+20 surgeries, no Histopathology, no Cytopathology.
19. Manual MRD, ICDX not followed.
20. No central pipelines in causality. No crash cart.
21. One major & one minor OT short.

22. No ICCU, No SICU.
23. No equipment noted in intensive care areas.
24. Shortage of one 60mA, One 600mA X-ray machines.
25. Blood bank license till 2015.
26. No canteens in campus.
27. No website.
28. No infrastructure, equipment, books furniture etc. for any preclinical department.”

15. Thereafter, a compliance verification assessment revealed that the deficiencies were not removed and continued as under:

1. Faculty deficiency :100%
 2. Residents deficiency ; 100%
 3. OPD Attendance : 534
 4. Bed Occupancy: 46% .
 5. Clinical Material - Pre-clinical labs : Inadequate Only
Hematology & Clinical Pathology
 6. Operative Work : Inadequate
- No Major operations --04 Normal Deliveries
03 Minor operations =) 01 LSCS.
5. Shortage of Nursing Staff : Nursing Superintendent: 01 short
No DNS: 02 Short
No Nursing sisters: 23 short
Staff Nurses : 12; 129 short
 6. DEAN: NOT AVAILABLE on the day of Assessment

7. DEAN OFFICE; Being completed NOT FURNISHED
8. LT: Under Construction — Not available.
9. LIBRARY: Under Construction: NOT AVAILABLE, Also there are NO BOOKS/JOURNALS.
10. COMMON ROOM: Under Construction
11. HOSTELS: Under Construction — for Boys & Girls Residents.
12. QUARTERS : 2 Staff quarters are under construction
13. RECREATIONAL FACILITIES: Not available
14. TEACHING SPACE IN HOSPITAL : NOT AVAILABLE
15. ENT OPD: No Speech therapy & Audiometry
16. BED SHORTAGE : Only 168 available against need of 300
17. WARD INFRASTRUCTURE: GROSSLY DEFICIENT
18. No facilities for HISTOPATHOLOGY & CYTOPATHOLOGY despite surgical procedures being undertaken
19. MRD — Not computerized ICDX — Not followed,
20. CASUALTY: No Central Pipeline or crash cart.
21. OTs: Short by 01 Major & 01 Minor OT
22. ICUs: ICCU & SICU are NOT AVAILABLE. There is NO EQUIPMENT in the intensive care area.
23. X- Ray Machines : Shortage of 01 30 mA machine
01 600 mA machine
24. Blood Bank: License expired in 2015, renewal applied on 09-04-2019
25. CANTEEN: None available on campus.

26. No Website
27. PRECLINICAL DEPARTMENTS : NO INFRASTRUCTURE :
NO EQUIPMENT
NO BOOKS for Departmental Libraries
NO FURNITURE
28. COLLEGE: Under construction
29. HOSPITAL BUILDING: To be constructed — Only base/foundation work has been started adjacent to SADAR HOSPITAL.
30. APPOINTMENT OF DEAN: Additional charge in addition to holding charge of Superintendent of PMCH Dhanbad. Dean was not available on the day of CVA.
31. MEDICAL SUPERINTENDENT: Not available. Additional charge given to John. F. Kennedy on 01/04/2019.

16. As the faculty deficiency was 100 percent and there was shortage of nursing staff along with very low bed occupancy and OPD attendance apart from the inadequate clinical material and extensive infrastructure deficiency, a decision was taken not to grant permission for establishment of a new Medical College at Palamu. The said decision was communicated to the College by a letter dated 31st May, 2019 which is impugned in this Writ Petition. The Petitioner-College was permitted to make admissions for the academic year 2019-2020, subject to an undertaking filed by the Principal Secretary of the State of Jharkhand that the

deficiencies have been rectified and the remaining deficiencies shall be removed within a period of three months from 19th August, 2019.

17. To consider the request for grant of renewal of permission for admission of second batch of students in MBBS course for the academic year 2020-2021, an assessment was made during which the following deficiencies were found:

1. Deficiency of Faculty is 58.8% (50/85).
2. Deficiency of Residents is 72% (34/47)
3. MEU not available.
4. Pharmacovigilance Committee not available.
5. LT- Only 1 Lecture theatre is functional. Other 3 are not equipped & furniture or AV aids.
6. In Library, internet nodes not available.
7. Books in Library on loan from MGM Medical College.
8. No staff and equipments in Photography section.
9. Girl's hostel is not furnished. They are accommodated in staff quarters.
10. Resident Doctors' hostel not available.
11. Nurses accommodation not available.
12. Non teaching staff quarters not available.
13. Space for MS office & Admin office is inadequate.

14. No separate Registration Counters for male and female in OPD,
15. Waiting area in OPD's less.
16. Rooms for examination of patients in OPD are inadequate,
17. No injection room in Medicine OPD. No plaster room /No plaster cutting room in Orthopedic OPD. No dark room, dressing room, minor OT in Ophthalmology OPD .
18. No Speech therapy faculty, No audiometry or audiometric room available in ENT OPD.
19. Bed deficiencies:
 - 12 in Pediatrics
 - 08 in Dermatology
 - 21 in General Surgery
 - 04 In Eye
 - 10 in ENTTotal 55 beds deficiency.
20. The wards do not have Nursing station (except surgery) Exam or treatment room, Pantry, store room, Duty room (except Psychiatry, OBG, Eye Surgery), Demo room.
21. Only 1 major & no minor surgical cases on the day of assessment Only 35 X-ray. No blood tests. No pathology, Cytopathology specimens.
22. No clinical Path Samples.
23. No Central O2/Suction in Casualty
24. 2 major OT available instead of 4
25. No Central O2/Suction in OT's, No multi-para monitors, defibrillator, infusion pumps in any OT
26. No Pre or post-Operative beds available

27. No SICU
28. No Central O2/Suction in Intensive Care areas. Nursing staff is less
29. No septic labour room or Eclampsia room
30. X-ray machine deficiency:
 - i) 1x60 mA machine.
 - ii) 1x100 mA machine.
31. Blood bank licence expired since 2015
32. CSSD not available,
33. Intercom not available.
34. Laundry — in-house/outsourced hot available,
35. Deficiency of Nursing staff:
 - 125 staff Nurses (16/141 available)
 - 27 Nursing Sister (0/27)
 - 2 DNS (0/2)
 - 1 Nursing Superintendent (0/1)
36. Deficiency of 36 Paramedical staff (65/101)
37. Website inadequate. Does not contain sufficient details
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38. No teaching schedule/programme in place/provided
39. In Anatomy :
 - Hispto lab not furnished.
 - Dissection hall not furnished. 19 tables present.
 - Museum - only space available
 - No Models, specimen, Bones etc., No Audio Visual aids and No Cadaver, Storage tank, body cooling chamber not available,
 - No dept. Library, Embalming room not functional

40. In Physiology: Lab space available but not functional as not equipped or furnished. No dept. Library, No AV available.
41. In Biochemistry - Labs - space available but not functional as not equipped or furnished. No departmental Library, No AV aids
42. In Pathology, microbiology, Pharmacology, Forensic & Community Medicine Department only space available. No equipments or furniture in labs, museum or departmental library etc.
43. No special visits to RHTC/UHTC
44. Dean was available only for day of assessment.
45. Common room not available.
46. MRD is not computerized. ICD not followed.
47. RHTC/UHTG not attached to College.

18. Taking note of the gross deficiencies, the MCI disapproved the request of the Petitioner-College for renewal of permission for admitting second batch of MBBS students for the academic year 2020-2021.

Writ Petition No.72 of 2021.

19. The Petitioners are students who appeared in the National Eligibility-cum-Entrance Test (NEET) MBBS Examination held on 17th September, 2020. They were aggrieved by the decision taken by the MCI not to grant

approval for admissions to the three Medical Colleges in the State of Jharkhand at Districts Dumka, Hazaribagh and Palamu. The grievance of the Petitioners is that 300 seats out of 580 medical seats in the State of Jharkhand are allotted to the above named three Medical Colleges. If permission is not granted to the three Medical Colleges for making admissions for the academic year 2020-2021, the chances of the Petitioners pursuing medical course would reduce. Therefore, they have filed this Writ Petition seeking to quash the letter dated 15th October, 2020 issued by the MCI by which a decision was taken not to grant renewal of approval for admission of second batch of MBBS students to Hazaribagh Medical College. Further, the Petitioners sought a direction that they should be permitted to participate in the counselling and admission process for Dumka, Palamu and Hazaribagh Medical Colleges.

20. Establishment of Medical Colleges at Dumka, Palamu and Hazaribagh was an initiative taken by the State of Jharkhand to bolster the availability of medical seats in the State which would increase the number of Doctors in the State. However, a perusal of the facts mentioned above would show that not much interest has been taken by the State in ensuring that the necessary faculty, infrastructure

and other facilities are improved. A submission was made before this Court which led to the passing of an order dated 19th August, 2019 that the deficiencies in all the three Medical Colleges have been removed. While directing admissions to the three Medical Colleges, this Court directed an affidavit to be filed by the Principal Secretary, Department of Health, State of Jharkhand that deficiencies have been rectified. An affidavit of undertaking was directed to be filed by the Chief Secretary of the State of Jharkhand stating that the remaining deficiencies shall be removed within a period of three months from the date of the order. An affidavit was filed on 20th August, 2019 by the Secretary Department of Health, Medical Education and Family Welfare, Government of Jharkhand that certain deficiencies have been rectified and the remaining shall be rectified within a period of three months. The Chief Secretary of the State of Jharkhand filed an undertaking on 20th August, 2019 stating that the remaining deficiencies shall be removed within a period of three months. In the inspection conducted by the MCI to consider the renewal of permission for MBBS second batch of students for the academic year 2020-2021 gross deficiencies still continued to exist in the three Medical Colleges. Though, some laxity is shown in respect of medical Colleges

established by the State Government, permission cannot be granted for allotment of students to Medical Colleges which lack the necessary infrastructure and facilities.

21. Permission granted for admission for the academic year 2019-2020 is based on a statement made on behalf of the State of Jharkhand that the deficiencies pointed out by the MCI have been removed. It is clear that gross deficiencies still exist in spite of the affidavits and undertakings filed on behalf of the State of Jharkhand. No action has been taken to improve the situation. The State Government is directed to rectify all the deficiencies that have been pointed out by the MCI at the earliest and make an application for renewal of permission for admission of the second batch of MBBS students for the academic year 2021-2022.

22. For the aforementioned reasons, all the Writ Petitions are dismissed. Pending applications, if any, shall stand disposed of.

.....J.
[L. NAGESWARA RAO]

.....J.
[KRISHNA MURARI]

New Delhi,

February 16, 2021.