

RESTATEMENT OF VALUES OF JUDICIAL LIFE
(AS ADOPTED BY FULL BENCH OF SUPREME COURT ON 7TH MAY 1997)

1. Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly any act of the judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of this perception has to be avoided.
2. A judge should not contest the election to any office of a club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.
3. Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.
4. A judge shall not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.
5. No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the Judge actually resides or other facilities for professional work.
6. A Judge should practise a degree of aloofness consistent with the dignity of his office.
7. A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.
8. A Judge shall not enter into public debate or express his views in public on political matters that are pending or are likely to arise for judicial determination.
9. A Judge is expected to let his judgments speak for themselves. He shall not give interview to the media.
10. A Judge shall not accept gifts or hospitality except from his family, close relations and friends.
11. A Judge shall not hear and decide a matter in a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.
12. A Judge shall not speculate in shares, stocks or the like.
13. A Judge shall not engage directly or indirectly in trade or business, either by himself or in association with any other person. (Publication of a

legal treatise or any activity in the nature of a hobby shall not be construed as a trade or business).

14. A Judge should not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.

15. A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.

16. Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

REPORTABLE

WRIT PETITION (C) NO. 411 OF 2017

GLOCAL MEDICAL COLLEGE AND SUPER
SPECIALITY HOSPITAL & RESEARCH
CENTRE

....PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER

....RESPONDENTS

WITH

W.P. (C) NOS. 430, 432, 437, 436, 438, 441, 442, 445, 448, 450,
468, 477, 511, 496, 511, 514, 515, 525 and 533 of 2017.

JUDGMENT

AMITAVA ROY, J.

In assailment is the order dated 31.05.2017 of the Government of India, Ministry of Health and Family Welfare (Department of Health and Family Welfare) whereby the conditional permission for the establishment of the medical colleges, involved herein with number of seats as mentioned, for the academic year 2016-17, granted on the basis of the approval of the Supreme Court Mandated Oversight Committee (for short, hereinafter to be referred to as "Oversight Committee")

Signature Not Verified
Digitally signed by
Amitava Roy, J.
DN: cn=Amitava Roy, j.,
ou=Supreme Court,
o=India

has been cancelled and the colleges have been debarred from admitting students in the next two academic years i.e. 2017-18 and 2018-19. Thereby, the Medical Council of India, (for short, hereinafter to be referred to as "MCI"/Council") has also been authorised to encash the bank guarantees submitted by the colleges/institutions, as required for availing the conditional permission as above. The colleges/institutions have been directed not to admit students in the MBBS Course in the academic years 2017-18 and 2018-19.

2. We have heard M/s. Salman Khurshid, S.G. Hasnain, Gurukrishna Kumar, A. Sharan, P.S. Patwalia, Kapil Sibal, V. Giri, Nidhesh Gupta, R. Basant, Raju Ramachandran, Sanjay R. Hegde, Dr. Rajeev Dhawan, C.A. Sundaram, Vikas Singh, Maninder Singh, Ajit Kumar Sinha, Senior Advocates and Mr. Mishra Saurabh, learned counsel for the parties.

3. It is submitted across the Bar that the foundational facts, which constitute the essence of the dissension, are identical so much so that the sequence of events, if drawn from any of the petitions would suffice to comprehend the issues to be addressed. Having regard to the striking likeness of the factual

framework of the cases in hand, for the sake of brevity and convenience, facts in bare minimum as available in the pleadings of W.P. (C) No. 411 of 2017 – ***Glocal Medical College and Super Specialty Hospital and Research Centre vs. Union of India and Another*** and W.P.(C) No. 436 of 2017 – ***Gayatri Vidya Parishad Society & Another vs. Union of India and Another*** would be adverted to.

4. The colleges/institutions in this batch had, as required under Section 10A of the Indian Medical Council Act, 1956 (for short, hereinafter to be referred to as “the Act” and the Establishment of Medical College Regulations, 1999 (for short, hereinafter to be referred to as “Regulations”) framed thereunder duly submitted schemes for grant of letter of permission to establish new medical college with annual intake of MBBS students, as mentioned in their individual applications, from the academic year 2016-17. As ordained in law, the Council caused an inspection of the colleges to be made by its Council of Assessors on 11th and 12th December, 2015, whereafter the assessment report was laid before the Executive Committee of the MCI, which in its meeting dated 28.12.2015, on a

consideration of the deficiencies pointed out, forwarded its recommendation to the Central Government disapproving the schemes for the academic year 2016-17 on 31.12.2015.

5. The Central Government in its turn, by letter dated 05.02.2016 consequently disapproved as well, the schemes of the petitioner colleges/institutions for the academic year 2016-17.

6. Shortly thereafter, this Court by its judgment and order dated 02.05.2016 rendered in ***Modern Dental College and Research Centre & Anr. vs. State of Madhya Pradesh & Ors.***¹ constituted the Oversight Committee, amongst others to oversee the functioning of the Council under the Act. As the records demonstrate, the Oversight Committee intervened in the process as reportedly many colleges/institutions did complain of denial of opportunity to submit their compliance write up, to the deficiencies pointed out by the assessors and by its communication dated 22.06.2016 permitted those colleges/institutions to submit their compliance inputs afresh to the Ministry of Health and Family Welfare and further directed the Council to conduct compliance verification inspection of

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those colleges/institutions and submit the inspection report to the Central Government.

7. Subsequent thereto, the Oversight Committee by its communication dated 11.8.2016 addressed to the Central Government, Ministry of Health and Family Welfare, for the reasons recorded, granted conditional approval to the colleges/institutions, as mentioned therein, subject to the following conditions:

“(i) An affidavit from the Dean/Principal and Chairman of the Trust concerned, affirming fulfillment of all deficiencies and statements made in the respective compliance report submitted to MHFW by 22 June, 2016.

(ii) A bank guarantee in the amount of Rs. 2 crore in favour of MCI, which will be valid for 1 year or until the first renewal assessment, whichever is later. Such bank guarantee will be in addition to the prescribed fee submitted along with the application.

3.2(a) OC may direct inspection to verify the compliance submitted by the college and considered by OC, anytime after 30 September, 2016.

(b) In default of the conditions (i) and (ii) in para 3.2 above and if the compliances are

found incomplete in the inspection to be conducted after 30 September, 2016, such college will be debarred from fresh intake of students for 2 years commencing 2017-18."

8. Accordingly, the Central Government vice letter No. U-12011/13/2016-ME-I dated 20.8.2016, in deference to the above directions of the Oversight Committee, issued the letter of permission subject to the above conditions, initially for a period of one year and renewable on yearly basis also subject to the verification of the achievement of annual targets, as indicated in their schemes and re-validation of the performance bank guarantees. It was mentioned as well that the next batch of students of MBBS Course for the academic session 2017-18 would be admitted in the colleges only after obtaining permission from Central Government and on fulfilling the conditions laid down by the Oversight Committee, as stipulated hereinabove.
9. The petitioners assert that on being intimated of the above order, they accordingly, through their authorised representatives, as directed submitted the affidavits of

compliance affirming that they had rectified all the deficiencies pointed out in the inspection conducted by the Council on 11/12.12.2015 and also had furnished the bank guarantees, as required. The communications to this effect are on 30.8.2016 and 1.9.2016. The colleges/institutions, as have been mentioned in course of the arguments, have meanwhile, acting on this conditional letter of permission, admitted students to the academic year 2016-17.

10. The MCI caused another inspection of the colleges/institutions to be made by its Council of Assessors on 21/22.12.2016, whereafter on a consideration of the report submitted by its assessors, in its meeting held on 13.1.2017 did record, a number of persisting deficiencies. It was thus of the view that the colleges/institutions had failed to abide by the undertaking given by them to the Central Government that there was no deficiency as per clause 3.2(1) of the communication dated 11.8.2016 of the Oversight Committee and as a consequence, recommended in terms of paragraph 3.2(b) of the above communication that the said colleges/institutions be debarred from

admitting students in the MBBS Course for the two academic years i.e. 2017-18, 2018-19 and further that the bank guarantees furnished by them be encashed. As per the decision taken, a copy of the recommendations to the above effect was forwarded to the Central Government and the Oversight Committee.

11. The Central Government in turn, by its communication dated 2.2.2017, addressed to the petitioner colleges/institutions informed that an opportunity of personal hearing would be granted on 17.1.2017 and 8.2.2017 on the issue of the recommendation of the MCI for debarment of the colleges for two academic sessions, as above and for encashment of their bank guarantees. The colleges/institutions were instructed to depute their authorised representatives to present their case vis-a-vis the recommendations of the MCI along with the requisite information in the prescribed format to be laid before the committee concerned.

12. In response, the petitioner colleges/institutions in time submitted their reply maintaining that almost all the

deficiencies pointed out in the inspection carried on 11/12.12.2015 had been rectified and that the deficiencies noted in the subsequent inspection were not the same and further were at best minor in nature.

13. Item-wise replies with clarifications were furnished by the colleges vis-a-vis the deficiencies pointed out in the inspection held on 21st and 22nd December, 2016. The colleges/institutions claimed that in fact there was no deficiency and that they were making all efforts to overcome, if there be any, and prayed that the minor deficiencies be condoned and the conditional LOP (Letter of Permission) be confirmed.

14. A hearing was provided to the institutions/colleges by a Hearing Committee of the Central Government on 17.1.2017 and 8.2.2017 and the comments of the Hearing Committee along with the recommendations/comments of the Director General of Health Services in respect of the colleges mentioned therein, were forwarded to the Central Government on 23.3.2017. As would be evident from this document, it contained four columns and the third and

fourth thereof did set out the comments of the Hearing Committee and recommendations/comments of Director General of Health Services (for short "DGHS") respectively. It may be noted in the passing that whereas the comments of the Hearing Committee in respect of most of the colleges/institutions was "No satisfactory evidence available", the recommendations/comments of the DGHS disclosed that the said authority on noting the deficiencies highlighted did suggest some relaxation in the approach thereto, to be brought to the notice of the Oversight Committee and also recommended that the Oversight Committee may take necessary initiatives in this regard. As this document would also reveal, the recommendations of the MCI and the comments of the Hearing Committee and the DGHS were forwarded to the Central Government be submitted for further directions/comments from the Oversight Committee.

15. A lull followed and it was only on 5.5.2017 that the Central Government forwarded the aforementioned recommendations dated 23.3.2017 to the Oversight

Committee. As this communication would reveal, the Hearing Committee/DGHS had granted personal hearing to the colleges on 17.1.2017 and 8.2.2017. Noticeably, however though the contents of the proceedings dated 23.3.2017 of the Hearing Committee/DGHS were set out in that letter dated 5.5.2017, the column containing the recommendations/comments of the DGHS did not find place therein. In other words, as is patent, only a truncated version of the document dated 23.3.2017 was forwarded by the Central Government to the Oversight Committee. The letter mentioned that the observations of the Hearing Committee constituted by the DGHS, be construed to be the views of the Ministry of Health and Family Welfare.

16. The letter No. OC/UG/2016-16 (Conditional Approvals) 258 dated 14.5.2017 of the Oversight Committee followed in response. As this letter would evince, the Oversight Committee on a detailed consideration of the factual backdrop and on an in-depth analysis of the deficiencies pointed out by the assessors of the MCI, the views of the Hearing Committee and of the Central

Government, by recording reasons, dismissed the deficiencies enumerated and recommended confirmation of the conditional letter of permission earlier granted to the colleges/institutions concerned.

17. The impugned decision conveyed by the letter No. U.I2012/27/2016-ME-I [FTS.30844749] dated 31st May, 2017, as referred to hereinabove was thereafter issued. Thereby to reiterate, the decision of the Central Government to debar the petitioner colleges/institutions from admitting students in the next two academic years 2017-18 and 2018-19 and also to authorise the MCI to encash the bank guarantees was communicated. Directions were also issued to the concerned colleges/institutions not to admit students in the MBBS course in the said academic years.

18. The quintessence of the contrasting contentions next needs to be outlined. It has been insistently urged on behalf of the petitioners that in the pronounced backdrop of facts outlining the march of events, the impugned decision is on the face of it, unsustainable being bereft of any reason or relevant consideration. It has been argued that the

Oversight Committee having being constituted by this Court by its judgment and order dated 02.05.2016 in **Modern Dental College Research Centre** (supra) authorizing it to oversee all statutory functions under the Act and leaving it at liberty to issue appropriate remedial directions, the impugned order is in the teeth of the recommendations of the said Committee, as communicated in its letter dated 14.05.2017 overruling the deficiencies on the basis of which purportedly, the petitioner colleges/institutions are being sought to be debarred from admitting students in the academic session for the years 2017-18 and 2018-19 and their bank guarantees are ordered to be encashed. It has been emphatically asserted that having regard to the status of the Oversight Committee and the role assigned to it by this Court, its recommendations/views, as conveyed by its letter dated 14.05.2017, by no means could have been disregarded. It has been stoutly canvassed that not only the Central Government in acting only on the recommendations of the MCI had proceeded in a manner which is grossly unfair and unreasonable vis-à-vis the petitioner

institutions/colleges, the manner in which the impugned decision has been taken tantamounts to denial of hearing to them, as mandated by Section 10A(4) of the Act. It has been urged as well that the action of forwarding the incomplete proceedings of the Hearing Committee/DGHS to the Oversight Committee betrays inexplicable prejudice and a predetermined disposition against the petitioner colleges/institutions, rendering the impugned decision non est in law.

19. As against this, it has been argued in emphatic refutation on behalf of the respondents that the Central Government being the final decision making authority under the Act on the issue of grant or refusal of permission/renewal of permission, there is no embargo on it to take a decision thereon, more so there being no mandate that it would be bound by the recommendations of the Oversight Committee. It has been contended that the views expressed by the Oversight Committee in its communication dated 14.05.2017 are contrary to its directives earlier issued in its letter dated 11.08.2016, recommending grant of

conditional LOP to the petitioner institutions/colleges. It has been insisted that not only the petitioner institutions/colleges had failed to provide the minimum teaching, clinical, infrastructural and other facilities in the colleges as divulged in the successive inspections, they have been found to be non-compliant of the undertakings given by them to the Central Government as well. It has been argued that the impugned decision, in the attendant facts and circumstances, is unassailable and does not merit any interference.

20. After hearing the learned counsel for the parties and on a consideration of the materials on record, to the extent essential, we are of the considered opinion that the impugned decision cannot be sustained in law as well as on facts. Significantly, the authenticity and correctness of the documents referred to by the parties are not disputed and form part of the records.

21. A bare perusal of the letter dated 31.05.2017 would demonstrate in clear terms that the same is de hors any reason in support thereof. It mentions only about the grant

of conditional permission on the basis of the approval of the Oversight Committee, and an opportunity of hearing vis-à-vis the recommendations of the MCI in its letter dated 15.01.2017 highlighting the deficiencies detected in course of the inspection undertaken on 21st and 22nd December, 2016, but is conspicuously silent with regard to the outcome of the proceedings of the Hearing Committee, the recommendations recorded therein both of the Committee and the DGHS and more importantly those of the Oversight Committee conveyed by its communication dated 14.05.2017, all earlier in point of time to the decision taken. This assumes importance in view of the unequivocal mandate contained in the proviso to Section 10A(4) of the Act, dealing with the issue, amongst others of establishment of a medical college. The relevant excerpt of sub-section 4 of Section 10A of the Act for ready reference is set out hereinbelow:

“(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or college concerned, and having regard to the

factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1);

Provided that no scheme shall be disapproved by the Central Government except after giving the person or college concerned a reasonable opportunity of being heard."

22. Though as the records testify, a hearing was provided to the petitioner colleges/institutions through the Hearing Committee constituted by the DGHS (as mentioned in the proceedings dated 23.3.2017) qua the recommendations of the MCI contained in its letter dated 15.01.2017, as noted hereinabove, the proceedings of the Hearing Committee do reflect varying views of the Hearing Committee and the DGHS, the latter recommending various aspects bearing on deficiency to be laid before the OC for an appropriate decision. The Central Government did forward, albeit a pruned version of the proceedings of the Hearing Committee to the Oversight Committee after a time lag of almost six weeks. The reason therefor is however not forthcoming. The

Oversight Committee, to reiterate, though on a consideration of all the relevant facts as well as the views of the MCI and the proceedings of the Hearing Committee as laid before it, did cast aside the deficiencies minuted by the MCI and recommended confirmation of the letters of permission of the petitioner colleges/institutions, the impugned decision has been taken by the Central Government which on the face of it does not contain any reference whatsoever of all these developments.

23. As a reasonable opportunity of hearing contained in the proviso to Section 10A(4) is an indispensable pre-condition for disapproval by the Central Government of any scheme for establishment of a medical college, we are of the convinced opinion that having regard to the progression of events and the divergent/irreconcilable views/recommendations of the MCI, the Hearing Committee, the DGHS and the Oversight Committee, the impugned order, if sustained in the singular facts and circumstances, would be in disaccord with the letter and spirit of the prescription of reasonable opportunity of hearing to the

petitioner institutions/colleges, as enjoined under Section 10A(4) of the Act. This is more so in the face of the detrimental consequences with which they would be visited. It cannot be gainsaid that the reasonable opportunity of hearing, as obligated by Section 10A(4) inheres fairness in action to meet the legislative edict. With the existing arrangement in place, the MCI, the Central Government and for that matter, the Hearing Committee, DGHS, as in the present case, the Oversight Committee and the concerned colleges/institutions are integral constituents of the hearing mechanism so much so that severance of any one or more of these, by any measure, would render the process undertaken to be mutilative of the letter and spirit of the mandate of Section 10A(4).

24. Having regard to the fact that the Oversight Committee has been constituted by this Court and is also empowered to oversee all statutory functions under the Act, and further all policy decisions of the MCI would require its approval, its recommendations, to state the least, on the issue of establishment of a medical college, as in this case,

can by no means be disregarded or left out of consideration. Noticeably, this Court did also empower the Oversight Committee to issue appropriate remedial directions. In our view, in the overall perspective, the materials on record bearing on the claim of the petitioner institutions/colleges for confirmation of the conditional letters of permission granted to them require a fresh consideration to obviate the possibility of any injustice in the process.

25. In the above persuasive premise, the Central Government is hereby ordered to consider afresh the materials on record pertaining to the issue of confirmation or otherwise of the letter of permission granted to the petitioner colleges/institutions. We make it clear that in undertaking this exercise, the Central Government would re-evaluate the recommendations/views of the MCI, Hearing Committee, DGHS and the Oversight Committee, as available on records. It would also afford an opportunity of hearing to the petitioner colleges/institutions to the extent necessary. The process of hearing and final reasoned decision thereon, as ordered, would be completed

peremptorily within a period of 10 days from today. The parties would unfailingly co-operate in compliance of this direction to meet the time frame fixed.

26. Let these matters be listed on 24.8.2017.

.....J.
[Dipak Misra]

.....J.
[Amitava Roy]

.....J.
[A.M. Khanwilkar]

New Delhi;
August 1, 2017.

WP(C) 411/17

ITEM NO.12

COURT NO.2

SECTION X

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.411/2017

GLOCAL MEDICAL COLLEGE AND SUPER
SPECIALITY HOSPITAL AND RESEARCH CENTRE

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH W.P.(C) No. 438/2017 (X)

(With appln.(s) for ex-parte stay and clarification/direction)

W.P.(C) No. 437/2017 (X)

(With appln.(s) for ex-parte stay and clarification/direction)

W.P.(C) No. 432/2017 (X)

(With appln.(s) for clarification/direction and prayer for interim relief)

W.P.(C) No.430/2017

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.436/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.442/2017 (X)

(With appln.(s) for appropriate orders/directions and clarification/direction)

W.P.(C) No.441/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.450/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.445/2017 (X)

(With appln.(s) for appropriate orders/directions and clarification/direction)

W.P.(C) No.448/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.468/2017 (X)

(With appln.(s) for stay and appropriate orders/directions)

W.P.(C) No.477/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.511/2017 (X)

(With appln.(s) for ex-parte stay and permission to file additional documents)

W.P.(C) No.496/2017 (X)

(With appln.(s) for stay)

W.P.(C) No.514/2017 (X)

(With appln.(s) for ex-parte stay and appropriate orders/directions)

W.P.(C) No.515/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.525/2017 (X)

(With appln.(s) for appropriate orders/directions)

W.P.(C) No.533/2017 (X)

(With appln.(s) for stay and clarification/direction)

Date : 24-08-2017 These matters were called on for hearing today.

CORAM

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. S.G. Hasnain, Sr. Adv.
Mohd. Zahid Hussain, Adv.
Mr. Kamal Mohan Gupta, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Amit Kumar, AOR
Mr. Avijit Mani Tripathi, Adv.
Mr. Atul Kumar, Adv.
Mr. Shaurya Sahay, Adv.
Ms. Rekha Bakshi, Adv.
Ms. Vidisha Kumar, Adv.
Mr. Abhishek Vashisht, Adv.
Mr. Ayush Chaurasia, Adv.

Mr. V.K. Vishwanathan, Sr. Adv.
Mr. Amit Kumar, AOR
Mr. Avijit Mani Tripathi, Adv.
Mr. Atul Kumar, Adv.
Mr. Shaurya Sahay, Adv.
Ms. Rekha Bakshi, Adv.
Ms. Vidisha Kumar, Adv.

Mr. R. Basant, Sr. Adv.
Mr. A. Ramesh, Adv.
Mr. Amit Kumar, AOR
Mr. Syed Ahmad Naqvi, Adv.
Mr. Shaurya Sahay, Adv.
Ms. Shilpi Gupta, Adv.

Mr. Mukesh Rohatgi, Sr. Adv.
Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, AOR
Mr. A. Leo G. Rozario, Adv.

Mr. Aditya Singh, Adv.

Mr. V. Giri, Sr. Adv.
Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, AOR
Mr. A. Leo G. Rozario, Adv.
Mr. Aditya Singh, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Gaurav Bhatia, AOR
Mr. Utkarsh Jaiswal, Adv.
Mr. Abhishek Singh, Adv.

Dr. Rajeev Dhawan, Sr. Adv.
Mr. Ranjan Kumar Pandey, AOR
Mr. K.P. Gautam, Adv.
Mr. Sandeep Bisht, Adv.
Mr. Anshuman Bhadur, Adv.

Mr. Raju Ramachandran, Sr. Adv.
Mr. Amitesh Kumar, Adv.
Mr. Shashank Shekhar Singh, Adv.
Ms. Priti Kumari, Adv.
Ms. Babita Kushwaha, Adv.
Mr. Mritunjay Kumar Sinha, AOR

Mr. C.A. Sundaram, Sr. Adv.
Mr. Amitesh Kumar, Adv.
Mr. Shashank Shekhar Singh, Adv.
Ms. Priti Kumari, Adv.
Mr. Mritunjay Kumar Sinha, AOR

Mr. Rohit Bhat, Adv.
Mr. V. Shyamohan, AOR
Mr. Surya Prakash, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. R.K. Rathore, Adv
Mr. Vibhu Shanker Mishra, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, AOR
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv
Mr. Dhawal Mohan, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Himanshu, Adv.

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

W.P.(C) No.411/2017

Let the matter be listed after three weeks.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

W.P.(C) No.438/2017

Heard Mr. Mukul Rohatgi, learned senior counsel for the petitioner, Mr. Maninder Singh, learned Additional Solicitor General for the Union of India and Mr Vikash Singh, learned senior counsel for the Medical Council of India.

Hearing concluded.

Judgment reserved.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

W.P.(C) No.437/2017 & W.P.(C) No.441/2017

Mr. Maninder Singh, learned Additional Solicitor General shall file an affidavit/reply within two weeks hence. Needless to say, the Medical Council of India is at liberty to file the reply.

List the matter after two weeks.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

W.P.(C) No.432/2017

Issue notice.

As Mr. Maninder Singh, learned Additional Solicitor General and Mr. Vikas Singh, learned senior counsel has entered appearance on behalf of the respondents, no further notice need be issued.

List the matter along with Writ Petition (C) No.450 of 2017.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

W.P.(C) No.430/2017 & W.P.(C) No.436/2017

Learned counsel appearing for the petitioners submits that the Central Government has passed an order dated 10th August, 2017, in favour of the petitioner-Institution.

In view of the aforesaid, nothing survives to be adjudicated in these writ petitions. The same are, accordingly, disposed of.

Writ Petition (C) No.442/2017

Mr. Amit Kumar, learned counsel appearing for the petitioners seeks leave of this Court to withdraw the writ petition to approach the High Court. The writ petition is permitted to be withdrawn.

W.P.(C) No.450/2017

In the course of hearing, Mr. Mukul Rohatgi, learned senior counsel appearing for the petitioner has submitted

that the deficiencies that has been pointed out in the case of the petitioner-Institution is absolutely marginal and there was no justification not to accept the shifting of patients to Oncology department because of short circuit. Additionally, he has drawn our attention to the decision dated 31st May, 2017 of the Central Government in respect of Mayo Institute of Medical Sciences, Barabanki. He has also drawn our attention to the letter dated 7th July, 2017, which has been written by the Medical Council of India to the Secretary to the Government of India, Ministry of Health & Family Welfare. It is propounded by him that there has been deficit with regard to the occupancy and many other defects. The said institution had been extended the benefit of permission. It is also urged that similar benefit has been given to thirty other institutions.

Mr. Maninder Singh, learned Additional Solicitor General for the Union of India shall file an affidavit of the Secretary, Ministry of Health and Family Welfare, Government of India, within two weeks hence, stating as to how the Letter of Permission was granted, so that the basis on which the said benefit was extended to the said Institutions, shall also be extended to the petitioner-Institution herein.

List the matter after two weeks.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

W.P. (C) No.448/2017

Heard Mr. P.S. Patwalia, learned senior counsel for the petitioner, Mr. Maninder Singh, learned Additional Solicitor General for the Union of India and Mr. Vikash Singh, learned senior counsel for the Medical Council of

India.

Hearing concluded.

Judgment reserved.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

W.P. (C) No. 468/2017

Heard Dr. Rajeev Dhawan, learned senior counsel for the petitioner, Mr. Maninder Singh, learned Additional Solicitor General for the Union of India and Mr. Vikash Singh, learned senior counsel for the Medical Council of India.

Hearing concluded.

Judgment reserved.

In the meantime, the bank guarantee shall not be encashed. However, the same shall be kept alive.

Writ Petition (C) No. 477/2017

Heard Mr. R. Basant, learned senior counsel for the petitioner.

Having heard learned counsel for the petitioner, we do not perceive any merit in this writ petition and the same is, accordingly, dismissed.

Writ Petition (C) No. 511/2017

Learned counsel for the petitioner submits that the Central Government has already granted the permission to the petitioner-Institution.

In view of the aforesaid, nothing remains to be adjudicated in this writ petition. The writ petition is, accordingly, disposed of. There shall be no order as to costs.

The bank guarantee submitted to the Medical Council of India, if not encashed, shall be returned to the petitioner and in case it has been encashed, a bank draft of the same amount shall be refunded within two weeks hence.

Writ Petition (C) Nos. 445/2017, 496/2017, 514/2017, 515/2017, 525/2017 & 533/2017

Let these matters be listed on 28th August, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

Court No. - 2

Case :- MISC. BENCH No. - 19870 of 2017

Petitioner :- Prasad Education Trust, Lucknow Thru. Its Chairman & Anr.

Respondent :- Union Of India Thru. Its Secretary, Min. Of Health & Family We

Counsel for Petitioner :- Rishabh Kapoor, Atul, Dr. L.P. Mishra

Counsel for Respondent :- C.S.C., A.S.G., Gyanendra Kumar Srivastav, Sanjay Bhasin

Hon'ble Shri Narayan Shukla, J.

Hon'ble Virendra Kumar-II, J.

Heard Dr. L.P. Mishra, learned counsel for the petitioner, Mr. Gyanendra Kumar Srivastava, learned counsel for the respondent No.2 as well as Mr. S.B. Pandey, learned Assistant Solicitor General of India. The writ petition has been taken on Board on the request of Dr. L.P. Mishra, learned counsel for the petitioners being urgent one. It has been submitted that the last date of Mop-up counseling would be held on 27.08.2017, therefore, if this application is not taken up today it would become infructuous. The petitioners have assailed the order dated 10.08.2017 passed by the Ministry of Health and Family Welfare, whereby Government of India on the recommendations of the Hearing Committee has debarred the petitioners' College from admitting students for the period of two years i.e. from 2017-18 and 2018-19 and Medical Council of India to encash the Bank Guarantee of Rs.2 crores. The learned counsel for the petitioner, Dr. L.P. Mishra, has submitted that the Oversight Committee had examined the report submitted by the Medical Council of India and found that there was no discrepancy warranting disapproval, thus, confirmed LOP whereas by means of order impugned, the same very report has been made basis to debar the petitioner from admitting the students and the Medical Council of India has been permitted to encash the bank guarantee.

We are informed that the similar matters are engaging attention of the Hon'ble Supreme Court which are listed on 30 August 2017 before the Supreme Court. In the meanwhile the last date of pop up counseling would be expiring on 27.08.2017. The learned counsel for the petitioner has submitted that if the petitioners' college is permitted to be delisted from the list of Colleges notified for counselling even after succession in the writ petition, he shall be no where to get the admission of students particularly for the current academic sessions.

Regard being had to the aforesaid submissions, we hereby direct to list this matter on 31.08.2017, in the meanwhile, the petitioners' college shall not be delisted from the list of colleges notified for counselling till the next date of listing i.e. 31. August 2017. Further the encashment of Bank Guarantee is also stayed till the next date of listing. It is clarified that on the basis of this order the petitioners shall have no right to claim any admission of the students.

List on 31.08.2017.

Order Date :- 25.8.2017

A.K. Singh

(Virendra Kumar-II, J.) (Shri Narayan Shukla, J.)

Let a certified copy of this order be provided to the learned counsel for the petitioners on payment of usual charges today itself.

Order Date :- 25.8.2017 A.K. Singh

(Virendra Kumar-II, J.) (Shri Narayan Shukla, J.)

SLP(C) 22427/17

ITEM NO.44

COURT NO.1

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No.22427/2017

(Arising out of impugned final judgment and order dated 25-08-2017 in MB No. 19870/2017 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

MEDICAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

PRASAD EDUCATION TRUST & ORS.

Respondent(s)

Date : 29-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Gaurav Sharma, AOR
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.

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

Heard Mr. Gaurav Sharma, learned counsel for the Medical Council of India and Mr. Mukul Rohatgi, learned senior counsel, who has entered caveat on behalf of the respondent-Trust.

Validity unknown
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CHETAN KUMAR
Date: 2017.09.01
14:05:56 +05'30'
Reason:

It is submitted by Mr. Rohatgi that the respondent-Trust does not claim any benefit from the order passed by the High Court, except that the Medical Council of

India is not to encash the bank guarantee. We appreciate the fair submission of Mr. Rohatgi and direct that the bank guarantee shall not be encashed. As the present order is passed by us, the writ petition filed before the High Court shall be deemed to have been disposed of. Liberty is granted to the respondent to approach this Court under Article 32 of the Constitution of India.

The special leave petition is disposed of

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

WP(C) 445/2017

ITEM NO. 1501
(For Judgment)

COURT NO. 1

SECTION X

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. 445/2017

SHRI VENKATESHWARA UNIVERSITY & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 01-09-2017 These matters were called on for pronouncement
of Judgment today.

For Petitioner(s) Mr. Gaurav Bhatia, AOR
Mr. Utkarsh Jaiswal, Adv.
Mr. Abhishek Singh, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
Mr. Ajit Kumar Singh, Sr. Adv.
Mr. Vipin Kumar, Adv.
Mr. G.S. Makker, Adv.

Mr. Gaurav Sharma, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Ms. Amandeep Kaur, Adv.

Hon'ble the Chief Justice pronounced the judgment of
the Bench comprising His Lordship, Hon'ble Mr. Justice
Amitava Roy and Hon'ble Mr. Justice A.M. Khanwilkar.

In terms of the signed reportable judgment, the
following directions were passed:-

"Though we have so held, yet we think it
appropriate that the students who have been
admitted in the Institution for the academic

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CHETAK KUMAR
Date: 2017.09.01 12:00:00
+05'30'

session 2016-2017, shall continue their studies. The MCI shall send the inspecting team to the Institution within a period of two months. After the report is filed, the MCI shall apprise the Institution with regard to the deficiencies and give a date for removal of the same so that the Institution would be in a position to do the needful. We may hasten to add that the inspection that will be carried out and the further follow up action shall be done for the academic session 2018-2019.

As we intend to appreciate the inspection report and the deficiencies and the action taken up thereon by the Institution, list the matter on 15th November, 2017. The renewal application that was submitted for the academic session 2017-2018 may be treated as the application for the academic session 2018-2019. The bank guarantee which has been deposited shall not be encashed and be kept alive.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed reportable judgment is placed on the file)

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSWrit Petition (Civil) No.797/2017

PRASAD EDUCATION TRUST & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 04-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Amit Kumar, AOR
Mr. Avijit Mani Tripathi, Adv.
Mr. Shaurya Sahay, Adv.
Ms. Rekha Bakshi, Adv.For Respondent(s) Mr. Maninder Singh, ASG
Mr. R. Balasubramanian, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Akshay Amritanshu, Adv.
Ms. Aarti Sharma, Adv.
Mr. Santosh Kr. Pandey, Adv.Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, Adv.
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Ms. Deepeika Kalia, Adv.UPON hearing the counsel the Court made the following
O R D E RLet a copy of the petition be served on Mr. Gaurav
Sharma, learned counsel for the Medical Council of India and
Mr. R.K. Rathore, learned counsel for the Union of India.List the matter on 11th September, 2017.The bank guarantee shall not be encashed in the
meantime.

Signature Not Verified
Digitally signed by
CHETAN KUMAR
Date: 2017.09.06
12:57:51
Reason

(Chetan Kumar)
Court Master(Shakti Parkash Sharma)
Assistant Registrar

ITEM NO.62

COURT NO.1

ANNEXURE P-8

SECTION X

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(s) (Civil) No(s). 797/2017

PRASAD EDUCATION TRUST & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 11-09-2017 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. P.s. Patwalia, Sr. Adv.
Mr. Amit Kumar, AOR
Mr. Avijit Mani Tripathi, Adv.
Mr. Kumar Abhishek, Adv.

For Respondent(s)

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

Let the matter be listed on 18.9.2017.

(Gulshan Kumar Arora)
Court Master

(Shakti Parkash Sharma)
Assistant Registrar

ITEM NO. 42

COURT NO. 1

SECTION X

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. 797/2017

PRASAD EDUCATION TRUST & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 18-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Amit Kumar, AOR
Mr. Shaurya Sahay, Adv.

For Respondent(s) Mr. Maninder Singh, ASG

Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Ms. Amandeep Kaur, Adv.

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

Heard Mr. P.S. Patwalia, learned counsel for the petitioners, Mr. Maninder Singh, learned Additional Solicitor General for the Union of India and Mr. Vikas Singh, learned senior counsel along with Mr. Gaurav Sharma, learned counsel for the Medical Council of India.

This Court on 1st September, 2017, in Shri Venkateshwara University and Another vs. Union of India and

Another in W.P.(C) No.445 of 2017, had passed the following directions:-

"Though we have so held, yet we think it appropriate that the students who have been admitted in the Institution for the academic session 2016-2017, shall continue their studies. The MCI shall send the inspecting team to the Institution within a period of two months. After the report is filed, the MCI shall apprise the Institution with regard to the deficiencies and give a date for removal of the same so that the Institution would be in a position to do the needful. We may hasten to add that the inspection that will be carried out and the further follow up action shall be done for the academic session 2018-2019. The renewal application that was submitted for the academic session 2017-2018 may be treated as the application for the academic session 2018-2019. The bank guarantee which has been deposited shall not be encashed and be kept alive."

In view of the aforesaid, we direct that there shall be no renewal for academic session 2017-2018. That apart, it is necessary to mention that Medical Council of India shall send the inspecting team to the Institution as per the schedule for consideration of grant of LOP for the academic year 2018-2019. The bank guarantee which has been deposited shall not be encashed and be kept alive.

The writ petition is, accordingly, disposed of.

(Chetan Kumar)
Court Master

(Shakti Parkash Sharma)
Assistant Registrar

Q	हाँ हम कह रहे हैं कि वो तो बात छोड़ो, उसको तो अभी रहने दो, बताएँगे लेकिन main ये है कि उससे हमारी बात हुई थी जिसका तुम बता रहे थे दूसरा
V	हां जी
Q	दूसरे वाले कि बात हुई थी हमारी
V	यादव वाला
Q	हाँ
V	हाँ उसमें, उनका कहा कौनसा मंदिर में है इलाहाबाद का मंदिर में है, दिल्ली का मंदिर में है
Q	नहीं नहीं मंदिर में किसी के नहीं है अभी तो होना है
V	हाँ हाँ हाँ ! तो उसका अब कर लीजिये बात वो तो कर देंगे, वो तो मेरा बात हुआ था वहाँ पर
Q	कहा है पक्का
V	हाँ हाँ उसमें आप एक काम अभी देखिये ना hundred percent ये तो, जो हमारा captain है captain का through में हो रहा है तो problem क्या है बोलिये
V	नहीं नहीं नहीं नहीं ! हम लोग कोई experiment लेंगे क्या आपके उमर, ये उमर में भी experiment लेंगा न, मैं लेंगा आपको तकलीफ में डालूंगा, हमारा ऐसा नहीं है न न ! वो आप ले लीजिये सामान वो तुरंत करवा देंगे, उसमें जो भी कोई problem नहीं है
V	कोई प्रॉब्लम है भी तो वो खुद ही बोल रहे हैं कि, अभी कल वो ये जो इसका बात किये थे वो बोल रहे कि सौ आदमी दे देंगे रिव्यु allow कर देंगे, फिर बाकी का एक कंपनी का टाई दे देंगे, तीन आप ले जायेंगे, पचास आप लोग रखिये, ऐसा बोल रहे थे, जितना दो तीन कंपनी है कर देंगे
Q	ठीक है ठीक है
V	सौ आदमी पहले दे देंगे तो वो जो रिव्यु है allow हो जायेगा
V	उनका जो है दूसरा वाला जो बोल रहे थे

Q	कितनी, कितनी books होगी करीब अंदाज़ा
V	कितना बेईमान है वो आप उनका अंदाज़ा , यहाँ पर सौ <u>बही</u> देंगे बाकि बही आपके पास रखेंगे , होने के बाद forward करेंगे
Q	अच्छा
V	ये आपका कितना बही में राज़ी हो रहे हैं देखिये पांच सौ बही , चार सौ बही
Q	<u>आप बताये ना तो उसको बात करे फिर</u>
V	उन्हें पता है वह हम लोग दो सौ बही बोलते हैं पांच सौ बही इनको बोल दीजिये , पांच सौ गमला ! हम लोग दो सौ गमला बोलगे वहाँ पर , सौ गमला देंगे सौ गमला बाद में देंगे
V	पांच सौ कहिये कीजिये वो जो काम है बहुत ही difficult है काम है हम लोगो को भी मिलना चाहिए , आपको हमको
Q	ठीक है ठीक है ठीक है
V	हाँ वो पक्का होगा पूरा बात हुआ है कोई प्रॉब्लम नहीं है
Q	ठीक है तो कल हमारी मुलाकात
V	अभी एक ही चीज़ पापा बोल रहे हैं एक ही चीज़ वो बोल रहे की अभी जो हमारा captain है ना उनका all over India है जो भी काम है वो जो वो कर दे , करने के लिए तैयार है
V	हाँ हाँ हाँ पक्का करवाएंगे हम

Q = Quddussi

V= Vishwanath

TRANSLATED TRANSCRIPT.

Date: 03.09.2017

Q Yes I am saying, leave that bit aside, leave that right now, I will tell but the main thing is this that I spoke to him who you were referring to, that other

V Yes

Q We talked about the other one

V The Yadav one

Q Yes

V Yes I think, in which is theirs, in which temple is it – Temple of Allahabad or Temple in Delhi

Q No no it is not in any temple yet, now it needs to be

V Yes yes yes! So now you can talk about it, he will do it. About that I have spoken about it there

Q Has said for sure (pucca)

V Yes yes. In that you see this one thing...100% this, our person who is our captain, it is being done through the captain, so what is the problem. Tell me?

V No No No No! Will we experiment at your age, at this age also I will not experiment. If I do, I will put you in a problem. We don't have like this. No no. If you take the stuff, he will get it done immediately, there will be no problem in that.

V Even if there is a problem he is himself saying, what he talked about yesterday, he said, 100 people will give...review will be allowed, then for the rest for one company they will give 2.5, 3 you will take, 50 you people keep, he was saying like this, whatever two or three companies are there, he will do

Q Ok ok

V If 100 people give first, then that review will be allowed

V This other one of his...which he was saying...

Q How many, about how many books will there be, around, approximately?

V How dishonest he is, that you can guess, here he will give 100

	books,(bahi) the rest books(bahi) he will keep with you, after it is done, will forward it
Q	Alright
V	In how many books (bahi) is he becoming willing, see...500 books or 400 books (bahi)
Q	You tell then will speak to him again <i>[or]</i> you tell otherwise speak to him again
V	He knows that we people say 200 books (bahi). 500 books (bahi) you tell them, 500 gamla! We will say 200 gamla there, 100 gamla we will give, 100 we will give later
V	500 tell him to do. That work is very difficult work...we should also get, you and I
Q	Alright, alright, alright
V	Yes that will be done for sure. Have had a complete talk, there is no problem
Q	Ok so tomorrow we will meet
V	Now only one thing father is saying, one thing he is saying that, this captain of ours has ... all over India...whatever work there is, he is willing to do
V	Yes yes yes, for sure we will get it done

Q = Quddussi.

V = Vishwanath.