

IN THE SUPREME COURT OF INDIA
(CRIMINAL ORIGINAL JURISDICTION)
WRIT PETITION (CRIMINAL) No.169..... of 2017

IN THE MATTER OF:

CAMPAIGN FOR JUDICIAL
ACCOUNTABILITY AND REFORMS

....PETITIONERS

VERSUS

UNION OF INDIA & **ANR.**

....RESPONDENTS

PAPER BOOK
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COUNSEL FOR THE PETITIONER: **PRASHANT BHUSHAN**

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PROFORMA FOR FIRST LISTING

SECTION: PIL

The case pertains to (Please tick/check the correct box):

- ☐ Central Act: (Title) : CONSTITUTION OF INDIA
- ☐ Section : UNDER ARTICLE 14
- ☐ Central Rule : (Title) : N-A
- ☐ Rule No(s) : N-A
- ☐ State Act: (Title) : N-A
- ☐ Section : N-A
- ☐ State Rule : (Title) : N-A
- ☐ Rule No(s): : N-A
- ☐ Impugned Interim Order: : N-A
(Date)
- ☐ Impugned Final Order/Decree : N-A
(Date)
- ☐ High Court : (Name) : N-A
- ☐ Names of Judges : N-A
- ☐ Tribunal/Authority : (Name)
1. Nature of matter : ☒ Civil ☐ Criminal
2. (a) Petitioner/appellant No.1 : CAMPAIGN FOR JUDICIAL ACCOUNTABILITY & REFORM
- (b) e-mail ID: : N-A
- (c) Mobile Phone Number : N-A
3. (a) Respondent No.1 : UNION OF INDIA {ANR}
- (b) e-mail ID : N-A
- (c) Mobile Phone Number : N-A
4. (a) Main category : 08(0812)
- (b) Sub classification : OTHER PIL MATTER
5. Not to be listed before : N-A
6. Similar/Pending matter : NOT SIMILAR MATTER
7. Criminal Matters : N-A
- (a) Whether accused/convict has surrendered: ☐ Yes ☒ No
- (b) FIR No. _____ Date : N-A
- (c) Police Station : N-A
- (d) Sentence Awarded : N-A
- (e) Sentence Undergone : N-A

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8. Land Acquisition Matters

(a) Date of Section 4 notification : N.A.

(b) Date of Section 6 notification : N.A.

(c) Date of Section 17 notification : N.A.

9. Tax Matters: State the tax effect : N.A.

10. Special Category (first Petitioner/
appellant only) : N.A.

☐ Senior citizen > 65 years SC/ST ☐

☐ Woman/child Disabled ☐

Legal Aid case ☐ In custody ☐ : N.A.

11. Vehicle Number (in case of Motor

Accident Claim matters) : N.A.

12. Decided cases with citation : N.A.

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B

SYNOPSIS

That the present writ petition in public interest under Article 32 of the Constitution of India is being filed for the enforcement of fundamental rights of citizens under Articles 14 and 21 of the Constitution. A recent FIR lodged by the Central Bureau of Investigation (CBI) in the matters relating to criminal conspiracy and taking gratification by corrupt or illegal means to influence the outcome of a case pending before this Hon'ble Court, shows a nexus between middlemen, hawala dealers and senior public functionaries, including the judiciary. The case in which the FIR has been filed involves a medical college set up by the Prasad Education Trust in Lucknow. The said college was receiving adverse reports with respect to compliance with the requirements for setting up a Medical College by various assessments conducted by the Medical Council of India (MCI). Since the college was ultimately debarred by the government from admitting students for the academic years 2017-18 and 2018-19, at least three petitions were filed in quick succession before this Hon'ble Court and the Hon'ble Allahabad High Court. As it appears from the FIR lodged by the CBI, an attempt was being made to unduly influence the outcome of the petition which was pending before this Hon'ble Court. The FIR lodged by the CBI is naming a former judge of a High Court as an accused, who has apparently been negotiating through a middle man to get the favourable order in a petition pending in this Hon'ble Court. The said petition was being heard by a bench headed by the present Chief Justice of India. It therefore casts an aspersion on the judiciary at the highest level. Hence, it becomes essential that this case is investigated under the supervision of a Special Investigation Team headed by a retired Chief Justice of this Hon'ble Court and that the investigation is not left to an agency fully controlled by the government i.e. the CBI which has lodged the FIR and currently undertaking the investigation. This is important in order to protect the independence and integrity of the judiciary and also to restore the public confidence in the

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judiciary. If the CBI, which is controlled by the government, is allowed to undertake the investigation in the present matter, the government can use this to compromise the independence of the judiciary. The present petition is therefore being filed seeking the constitution of a Special Investigation Team, headed by a former Chief Justice of India, to investigate the above mentioned matter.

LIST OF DATES

Date	Particulars
30.12.2015	Medical Council of India letter to Central Government, not to issue Letter of Permission for establishment of New Medical College at Lucknow, Prasad Institute of Medical Sciences.
14.05.2016	Medical Council of India disapproved reiterated its earlier decision and returned the application for establishment of new medical college at Lucknow
8.06.2016	Ministry accepted the recommendation of MCI and disapproved the applications for the college for establishment of a new college
11.08.2016	Supreme Court Mandated Oversight Committee approved the scheme of establishment of new Medical College at Lucknow
20.08.2016	Central Government on approval of Oversight Committee granted Letter of Permission for establishment of new Medical College.
11.11.2016 12.11.2016	and An assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI
9.12.2016 10.12.2016	and Another inspection of college was conducted by the MCI by the Council of Assessors.
26.12.2016	MCI informed the Ministry that the College had failed to abide by its undertaking it had given to the Central Govt. and should be debarred from admitting students for the two academic years 2017-18 and 2018-19, as the infrastructure and facilities of the college were

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found to be grossly deficient.

31.05.2017	The Ministry after considering the recommendation of the MCI, Hearing reports of the Director General of Health Services and view of the Oversight Committee decided to accept the recommendation of the MCI since the college was found deficient in MCI inspection and debarred the college for two years and authorised MCI to encash the Bank Guarantee
1.08.2017	On W.P. (C) 442/2017, filed by the college, which was connected with the similar matter bearing W.P. (C) No. 411 of 2017, Global Medical College and Super Speciality Hospital and Research Centre v. UOI and Anr. this Hon'ble Court passed an order directing the Central government to re-evaluate the recommendations/view of MCI, Hearing Committee, Director General of Health Services and the Oversight Committee.
3.08.2017	Ministry granted hearing to the college and concluded that it agrees with the 31.05.2017 decision of the Ministry to debar the college for 2 years
10.08.2017	Ministry reiterated its earlier decision dated 31.05.2017 to debar the college from admitting students for a period of two years i.e. 2017-18 and 2018-19 and also to authorise the MCI to encash the Bank Guarantee of Rs. 2 crores.
24.08.2017	The above mentioned writ petition was withdrawn with a liberty to move the Hon'ble Allahabad High Court, which from the FIR appears to have been done on the advise of Shri. I.M. Qudussi, retired Justice of the Orissa High Court.
25.08.2017	Misc. Bench 19870 of 2017 Prasad Education Trust, Lucknow, Thru. Its Chairman & Anr v. UOI was filed by Prasad Education Trust in the Allahabad High Court. Allahabad High Court passed an order directing that the petitioners college shall not be de-listed from the list of colleges notified for counselling till the next date of listing i.e. 31.08.2017. Further the court ordered that the encashment of Bank

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Guarantee was also stayed till the next date of listing. It was further clarified that on the basis of the order, the petitioners shall have no right to claim any admission of the students.

- 29.08.2017 SLP 22427 of 2017 against the aforesaid order of the Allahabad High Court was disposed off on the respondent submitted that the college does not claim any benefit from the order passed by the High Court.
- 31.08.2017 Prasad Education Trust filed a writ Petition No. 797/2017 which was admitted by a bench headed by the Hon'ble Chief Justice of India.
- 4.09.2017 The Hon'ble Court ordered that the matter be listed for 11.09.2017 and meanwhile the bank guarantee shall not be encashed by the MCI
- 11.09.2017 The court ordered that the matter be listed for 18.09.2017
- 18.09.2017 This Hon'ble Court directed that there shall be no renewal for the academic session 2017-18 and that the bank guarantee which was deposited shall not be encashed and be kept alive. Further that the MCI shall send the inspecting team to the Institution as per the schedule for consideration of grant of Leave of permission for the academic year 2018-2019.
- 19.09.2017 FIR was registered by the CBI against private persons and Shri I.M. Quiddusi, Retd. Justice of the High Court of Odisha on grounds of Criminal Conspiracy, taking gratification by corrupt or illegal means to influence a public servant.
- 20.09.2017 CBI raids various place and recovers close to 2 crores in cash and several incriminating documents.
- 30.10.2017 Hence this Writ Petition Before Hon'ble this Court

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IN THE SUPREME COURT OF INDIA
(CRIMINAL ORIGINAL JURISDICTION)
WRIT PETITION (CRIMINAL) NO. OF 2017
(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF

CAMPAIGN FOR JUDICIAL
ACCOUNTABILITY AND REFORMS
THROUGH ITS SECRETARY
6/6 BASEMENT, JANGPURA B
DELHI – 110014
PHONE: 011-24374535
E-MAIL: judicialreforms@gmail.com

PETITIONER

VERSUS

1. UNION OF INDIA
THROUGH ITS SECRETARY,
DEPARTMENT OF PERSONNEL
AND TRAINING
NORTH BLOCK,
CENTRAL SECRETARIAT
NEW DELHI – 110001

2. CENTRAL BUREAU OF INVESTIGATION
THROUGH ITS DIRECTOR
CGO COMPLEX, LODHI ROAD
NEW DELHI-110003

...RESPONDENTS

**WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION
OF INDIA IN PUBLIC INTEREST FOR ISSUING APPROPRIATE
DIRECTIONS FOR THE INSTITUTION OF AN INDEPENDENT
AND FAIR INVESTIGATION BY A SPECIAL INVESTIGATION
TEAM IN THE MATTER RELATING TO THE ALLEGED
PAYMENT OF ILLEGAL GRATIFICATION TO INFLUENCE THE
OUTCOME OF A CASE PENDING BEFORE THIS HON'BLE
COURT**

To,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA

The Humble Petition of the petitioner above-named
MOST RESPECTFULLY SHOWETH: -

1. That the petitioner is filing the instant writ petition in public interest under Article 32 of the Constitution of India for the enforcement of fundamental rights of citizens under Articles 14 and 21 of the Constitution. A recent FIR lodged by the Central Bureau of Investigation (CBI) in the matters relating to criminal conspiracy and taking gratification by corrupt or illegal means to influence the outcome of a case pending before this Hon'ble Court, shows a nexus between middlemen, hawala dealers and senior public functionaries, including the judiciary. The case in which the FIR has been filed involves a medical college set up by the Prasad Education Trust in Lucknow. The said college was receiving adverse reports with respect to compliance with the requirements for setting up a Medical College by various assessments conducted by the Medical Council of India (MCI). Since the college was ultimately debarred by the government from admitting students for the academic years 2017-18 and 2018-19, at least three petitions were filed in quick succession before this Hon'ble Court and the Hon'ble Allahabad High Court. As it appears from the FIR lodged by the CBI, an attempt was being made to unduly influence the outcome of the petition which was pending before this Hon'ble Court. The FIR lodged by the CBI is naming a former judge of a High Court as an accused, who has apparently been negotiating through a middle man to get the favourable order in a petition pending in this Hon'ble Court. The said petition was being heard by a bench headed by the present Chief Justice of India. It therefore casts an aspersion on the judiciary at the highest level. Hence, it becomes essential that this case is investigated under the supervision of a Special Investigation Team headed by a retired Chief Justice of this Hon'ble Court and that the investigation is not left to an agency fully controlled by the government i.e. the CBI which has lodged the FIR and currently undertaking the investigation. This is important in order to protect the independence and integrity of the judiciary and also to restore the public confidence in the

judiciary. If the CBI, which is controlled by the government, is allowed to undertake the investigation in the present matter, the government can use this to compromise the independence of the judiciary. The present petition is therefore being filed seeking the constitution of a Special Investigation Team, headed by a former Chief Justice of India, to investigate the above mentioned matter.

INTRODUCTION OF THE PETITIONER

1 A. That the Petitioner is the Campaign for Judicial Accountability and Reforms (CJAR). The Campaign is an unregistered body that is steered by an Executive Committee consisting of well known human rights advocates, activists and academics. The Campaign works in public interest on issues that concern judicial accountability and reforms. The Campaign has organised various seminars, discussions and national conventions on issues of judicial accountability and judicial reforms, sent various representations to the Hon'ble Chief Justice of India on matters of judicial reforms, as well as complaints against judges that have resulted in initiation of in-house enquiries such as in the case of Justice Shoumitra Sen, Justice P.D. Dinkaran, Justice Naragjuna Reddy, etc as well as in the initiation of impeachment proceedings in the Parliament in some cases. A resolution passed by the Executive Committee of the Campaign for Judicial Accountability and Reforms, authorising this writ petition to be filed through its Secretary on behalf of CJAR, has been filed with the vakalatnama.

The postal address for CJAR is 6/6 basement, Jangpura B, Delhi -110014. The email address is judicialreforms@gmail.com, phone number is : 011-24374535. The Campaign is a voluntary group of activists, lawyers and academics and works on the personal contributions from its members. It does not have a pan card, bank account or Aadhar number.

The petitioner has not made any representation to the respondent in this regard because of the extreme urgency of the matter.

The petitioner has no personal interest, or any private/oblique motive in filing the instant petition. There is no civil/criminal or any other litigation involving the petitioner which has or could have a legal nexus with the issues involved in this PIL.

Facts of the case

2. That Shri. B.P. Yadav and Shri Palash Yadav, named in the FIR referred to above, are managing the affairs of the Prasad Education Trust. The Prasad Education Trust made an application for establishment of a new medical college at Lucknow, Uttar Pradesh in the name and style of Prasad Institute of Medical Sciences, Lucknow, for the academic session 2016-2017 to the Ministry of Health and Family Welfare. The Ministry forwarded the application to the MCI for evaluation and making recommendation to the Ministry u/s 10 A of the Indian Medical Council Act, 1956. Based on the assessment on 30.12.2015 and there after another compliance verification assessment on 14.05.2016, the MCI recommended to the Central Government not to issue letter of permission for establishment of New Medical College at Lucknow. The Ministry accepted the recommendation of the MCI and disapproved the applications of the college for establishment of a new college for the academic session 2016-2017.

*(A copy of the FIR lodged by the CBI dated 19.09.2017, RC 10 (A)/2017 – AC. III registered is annexed as **Annexure P 1(Page 16 to 22)***

3. That the Central Government subsequently on the approval of the Oversight Committee of the MCI issued necessary Letter of Permission to the Trust for establishment of new medical college on 20.08.2016.

4. That an assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI on 11th and 12th of November 2016. Another inspection was also conducted by the MCI on 9th and 10th of December 2016 by

the Council of Assessors. The MCI vide its letter dated 26.12.2016 informed the Ministry that the College had failed to abide by its undertaking it had given to the Central Govt. and should be debarred from admitting students for the two academic years 2017-18 and 2018-19, as the infrastructure and facilities of the college were found to be grossly deficient.

5. That the Ministry after considering the recommendation of the MCI, Hearing reports of the Director General of Health Services and view of the Oversight Committee decided to accept the recommendation of the MCI since the college was found deficient in MCI inspection. Accordingly the Ministry vide its letter dated **31.05.2017** debarred the college for two years and authorised MCI to encash the Bank Guarantee.

6. That the college filed W.P. (C) 442/2017 before this Hon'ble Court, which was connected with the similar matter bearing W.P. (C) No. 411 of 2017, Global Medical College and Super Speciality Hospital and Research Centre v. UOI and Anr. On 01.08. 2017, this Hon'ble Court passed an order directing the Central government to re-evaluate the recommendations/view of MCI, Hearing Committee, Director General of Health Services and the Oversight Committee, as available on records:

"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 21 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.”

*(A copy of the Supreme Court order dated 1.08.2017 in Writ Petition 411 of 2017 is annexed as **Annexure P 2** (Page **23** to **25**))*

7. In Compliance with the above direction of this Hon'ble Court dated 1.08.2017, the Ministry granted hearing to the college on 3.08.2017. The hearing Committee after considering the record and oral and written submission of the college submitted its report to the Ministry. The Hearing Committee concluded that it agrees with the 31.05.17 decision of the Ministry to debar the college for 2 years and also permit MCI to encash the bank guarantee.

8. That based on this recommendation of the Hearing Committee, the Ministry on 10th August 2017, reiterated its earlier decision dated 31.05.2017 to debar the college from admitting students for a period of two years i.e. 2017-18 and 2018-19 and also to authorise the MCI to encash the Bank Guarantee of Rs. 2 crores.

*(Copy of the Government order dated 10th August 2017 debarring Prasad Institute of Medical Sciences is annexed as **Annexure P 3** (Pages **26** to **32**))*

9. That the aforesaid college is among 46 colleges who have been barred by the Government from admitting medical students for the forthcoming 1 or 2 years because of substandard facilities and non fulfilment of the required criteria.

10. According to the FIR, Shri. B.P. Yadav got in touch with Shri I.M. Quddusi, Retd. Justice of the High Court of Odisha and Smt. Bhawana Pandey r/o N-7, G.K. 1, New Delhi, through Sh. Sudhir Giri of Venkateshwara Medical College in Meerut and entered into a criminal conspiracy for getting the matter settled. The FIR further reveals that the 10th August 2017 order of the government was initially challenged in the ongoing hearing in

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the aforementioned petition before this Hon'ble Court by the Prasad Education Trust.

11. On 24th August 2017, the aforementioned petition was withdrawn by the Prasad Education Trust with a liberty to move the Hon'ble High Court of Allahabad. It appears from the FIR lodged by the CBI, the said withdrawal was done on the advise of Shri IM Quddusi, retired Justice of the Orissa High Court.

*(A copy of the order of the Supreme Court in Writ Petition No. 411 of 2017 dated 24.08.2017, granting withdrawal of the writ of the Supreme Court is annexed as **Annexure P 4** (Page 33 to 40)*

12. On 25. 08. 2017, Misc. Bench 19870 of 2017 Prasad Education Trust, Lucknow, Thru. Its Chairman & Anr v. UOI was filed by Prasad Education Trust in the Allahabad High Court. The sequence of events as they play out seem to suggest that a larger conspiracy was afloat involving Retd. Justice Quddusi and his associates and middlemen and unnamed public official and members of the judiciary.

13. On the same day of filing, i.e. 25.08.2017, the Allahabad High Court passed an order directing that the petitioners college shall not be de-listed from the list of colleges notified for counselling till the next date of listing i.e. 31.08.2017. Further the court ordered that the encashment of Bank Guarantee was also stayed till the next date of listing. It was further clarified that on the basis of the order, the petitioners shall have no right to claim any admission of the students.

*(A copy of the Allahabad High Court order in Misc. Bench no. 19870 of 2017 dated 25.08.17 is annexed as **Annexure P 5** (Page 41 to 42)*

14. The FIR further reveals that the MCI approached this Hon'ble Court by way of SLP 22427 of 2017 against the aforesaid order of the Allahabad High Court which was disposed off on 29th August 2017 on the respondents submitting that the college does not claim any benefit from the order passed by the

High Court. Further as the current order was being passed by the Apex Court, the writ petition filed before the High Court was deemed to be disposed off. The respondent was granted liberty to approach the Apex Court further in this regard under Article 32.

*(A copy of the Supreme Court order dated 29-08-2017 disposing of SLP filed by the MCI is annexed as **Annexure P 6 (Pages 43 to 44)**)*

15. That Prasad Education Trust filed a writ Petition No. 797/2017 in this Hon'ble Court which was admitted on 31.08.17 by a bench headed by the Hon'ble Chief Justice of India. On 4.09.2017 the Court ordered that the matter be listed for 11.09.2017 and meanwhile the bank guarantee shall not be encashed by the MCI. Further, on 11th September, 2017 the matter was listed for hearing on 18th September, 2017.

On 18.09.17, this Hon'ble Court directed that there shall be no renewal for the academic session 2017-18 and that the bank guarantee which was deposited shall not be encashed and be kept alive. Further that the MCI shall send the inspecting team to the Institution as per the schedule for consideration of grant of Leave of permission for the academic year 2018-2019.

*(A copy of the order dated 4.09.17 in Writ Petition 797 of 2017 is Annexed as **Annexure P 7 (Pages 45 to -)**)*

*(A copy of the orders dated 11.09.17 in Writ Petition 797 of 2017 is Annexed as **Annexure P 8 (Page 46 to -)**)*

*(A copy of the order dated 18.09.17 in Writ Petition 797 of 2017 is Annexed as **Annexure P 9 (Pages 47 to 48)**)*

16. That on 19.09.2017, the FIR was registered against the following persons in connection with this case:

1. Shri. I.M. Quddusi, Retd. Justice of the High Court of Odisha.
2. Smt. Bhawana Pandey r/o GK. New Delhi (private person)
3. Shri B.P. Yadav (private person)
4. Shri Palash Yadav (Private person)

5. Shri Sudhir Giri (Private person)
6. Shri Biswanath Agrawala r/o HIG – 136, Phase 1, Kanan Vihar, Bhubaneswar, Odisha (Private person)
7. other unknown public servants and private persons

The FIR further alleges that Shri B. P. Yadav, in furtherance of the said conspiracy, requested Shri I M Quddusi and Smt. Bhawana Pandey who assured to get the matter settled in the Apex Court through their contacts and they further engaged Shri Biswanath Agarwala, a private person resident in Bhubaneswar, Orissa for getting the matter settled in the Apex Court. The FIR further states:

“Shri Biswanath Agarwala claimed very close contact with senior relevant public functionaries and assured that he would get the matter favourably settled. However he deemed huge gratification for inducing the public servants by corrupt and illegal means in lieu of the aforesaid help.

Information further revealed that in pursuance of the aforesaid criminal conspiracy, Shri B.P. Yadav and Shri Palash Yadav, along with Shri I.M. Quddusi, Smt. Bhawana Pandey , Sh. Sudhir Giri, are likely to meet Shri Biswanath Agarwala for delivering the agreed illegal gratification to Shri Biswanath Agarwala at Delhi shortly.”

That the above mentioned information discloses commission of offences punishable under S. 8 of the Prevention of Corruption Act 1988 and S. 120 B of the IPC against the above mentioned persons as well as unknown public servants and private persons.

17. It is submitted by the petitioners that since this case has brought to light an instance of corruption in the very highest echelons of power, including the judiciary, the CBI, a government controlled agency, may not be best suited to continue this investigation. It is submitted that only an agency which is completely independent of the government can undertake this investigation impartially. Rather a matter of such serious import and sensitivity, allegedly involving judiciary at the

highest level, needs to be handed over over to a Special Investigation Team headed by a retired Chief Justice of India. The interest of justice and fairness demand an impartial probe which can only be conducted by an independent SIT. This is essential to protect the independence of judiciary as well as maintain public confidence in the Judiciary.

18. That this FIR reveals a bribery scandal involving medical colleges, government officials and senior members of the Judiciary, who allegedly hatched a conspiracy to settle a MCI/government debarment against the stated private medical college. The CBI received information that the set of people named in the FIR were likely to meet a hawala operator Biswanath Agarwal who had allegedly agreed to deliver the cash to the concerned relevant public functionary. That news reports have further revealed that in subsequent raids at 8 places, CBI recovered close to Rs 2 crore in cash and several incriminating documents. The agency had seized Rs 1 crore which the hawala operator had handed over to an aide of the retired Justice.

*(A copy of the New18.com story dated 20th September 2017 is annexed as **Annexure P 10 (Page 49 to 50)**)*

19. That the petitioner has not filed any other writ petition same or similar to the present writ petition, neither in this Hon'ble Court nor in any other Court or forum.

GROUND

A. Because leaving the investigation with the CBI can seriously compromise the independence of the judiciary. In order to protect the independence of the judiciary and its integrity, it is essential that the matter concerning the corruption in the higher judiciary must be investigated by a Special Investigative Team headed by a former Chief Justice of India. If the CBI, which is controlled by the government, is allowed to undertake the investigation in the present matter, the independence of the judiciary is likely to be compromised.

B. Because an impartial investigation by an agency, outside the control of the government must be ordered in the matters concerning alleged corruption in the higher judiciary and public servants holding offices at the highest level. It is essential to maintain the rule of law as guaranteed by Article 14 of the Constitution of India. Further the credibility of these institutions especially the judiciary must be maintained at all costs so that they remain above suspicion and the confidence of the public in these high offices is maintained.

C. Because the alleged charge of prevailing corruption in high places and particularly in the judiciary is a matter of serious concern. The judiciary is the final custodian of the rule of law and guardian of the Constitution. A fair and impartial investigation by a Special Investigation Team headed by a former Chief Justice of India in a matter like this is therefore essential, so that the public faith in the judiciary can be restored.

D. Because the right to life as guaranteed under Article 21 of the Constitution also includes in its fold the right to live in a society, which is free from crime and corruption. Hence the need for an impartial investigation by a Special Investigative Team headed by a former Chief Justice of India, into the afore-mentioned allegations.

E. Because the FIR lodged by the CBI has once again brought to the fore the issue of judicial corruption with the FIR naming a former judge of a High Court as an accused, who has apparently been negotiating through a middle man to get matter settled in the Apex Court.

F. Because the facts mentioned in the writ petition make out a more than adequate case for directing a credible and independent investigation. As disclosed in the FIR, there was a criminal conspiracy to pay illegal gratification to get a matter,

related to a private medical college pending before this Hon'ble Court, favorably settled. Subsequent to the registration of FIR, raids were conducted by the CBI and the accused including a former judge of the High Court was arrested. Huge unaccounted amounts of cash and incriminating documents have been recovered in the raids. The information gathered shows bribery of government and judicial functionaries. All these facts warrant that the ongoing investigation is not left to an agency which has already been declared by this Hon'ble Court as a caged parrot. To allow the investigation to continue under the CBI, which is under the administrative control of the government, will have a serious deleterious effect on the independence of the judiciary. A thorough and impartial investigation into a matter such as this, by a Special Investigation Team, headed by a former Chief Justice of this Hon'ble Court, will maintain public faith in this institution.

H. Because the Hon'ble Chief Justice of India, Late Justice J.S. Verma, in the case of *Vineet Narain vs. Union of India* (1998) 1 SCC 226 while discussing "The Seven Principles of Public Life" from the report of Lord Nolan, Chairman, Committee on Standards in Public Life in England has held

"These principles of public life are of general application in every democracy and one is expected to bear them in mind while scrutinizing the conduct of every holder of a public office. It is trite that the holders of public offices are entrusted with certain powers to be exercised in public interest alone and, therefore, the office is held by them in trust for the people. Any deviation from the path of rectitude by any of them amounts to a breach of trust and must be severely dealt with instead of being pushed under the carpet. If the conduct amounts to an offence, it must be promptly investigated and the offender against whom a prima facie case is made out should be prosecuted expeditiously so that the majesty of law is upheld and the

rule of law is vindicated. It is the duty of the judiciary to enforce the rule of law and, therefore, to guard against erosion of the rule of law."

In view of the facts and the circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

PRAYERS

- a. Issue writ of mandamus or any other writ or direction of similar nature to constitute a Special Investigation Team headed by the retired Chief Justice of India to investigate in the matter of alleged conspiracy and payment of bribes for procuring favourable order in a matter pending before this Hon'ble Court and take consequential action thereafter.
- b. Issue a writ of mandamus or any other writ or direction of similar nature to the Central Bureau of Investigation i.e. Respondent no. 2, to hand over all the materials/evidences collected so far in FIR bearing RC. 10 (A)/2017- AC. III at New Delhi to the Special Investigating Team to be constituted by this Hon'ble Court.
- c. Pass any other order as this Hon'ble Court may deem fit and proper.

PETITIONER

THROUGH

(PRASHANT BHUSHAN)
COUNSEL FOR THE PETITIONER

DATE: 30TH OCTOBER, 2017
NEW DELHI

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IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

CAMPAIGN FOR JUDICIAL ACCOUNTABILITY
AND REFORMS

....PETITIONERS

VERSUS

UNION OF INDIA & Ors

....RESPONDENTS

A F F I D A V I T

I, Cheryl D'souza, d/o Joseph D'souza, r/o 30 Ashiana Apartments, Pitampura, Delhi - 110034, do hereby solemnly affirm and state on oath as under:

1. That I am the Petitioner in the aforementioned writ petition and being familiar with the facts and circumstances of the case I am competent and authorized to swear this Affidavit. I have been authorised to file this affidavit on behalf of the Campaign for Judicial Accountability and Reforms.
2. That I have read and understood the contents of the Synopsis and List of Dates (**Pages B to E**), Writ Petition (**Pages 1 to 13**). I state that the facts therein are true to the best of my knowledge, belief and nothing material has been concealed therefrom.
3. The annexures are true copies of their respective originals.
4. The source of the information is CBI FIR and Supreme Court and High court judgements and government orders and information which is available in the public domain.
5. That this petition is only motivated by public interest. I affirm that I have no personal interest in this matter.
6. That I have done whatsoever enquiry that was possible and I state that no relevant facts in my knowledge have been withheld.

DEPONENT

VERIFICATION:

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge; that no part of it is false and that nothing material has been concealed therefrom.

Verified at New Delhi on 30th day of October 2017.

DEPONENT

FIRST INFORMATION REPORT
(Under Section 154 Cr. P.C.)

Book No.: 1064

Sr.No.11

1. District: New Delhi P.S.: AC.III. Year: 2017

FIR No.: 10(A)

Date: 19.09.2017.

2. (i) Act: IPC

Sections:

(ii) Act: P.C. Act.1988 Sections: 8.

(iii) Act: IPC Sections: 120-B

(iv) Other Acts and Sections:-

3. Occurrence of offence:-

(a) Suspected Offence:- Gratification by corrupt or illegal means to influence a public servant

(b) Day: Date Time

(c) Information received at P.S.: Date Time

Entry No. 5 Date: 19/09/2017,
Time: 5.0P.M. 4.Type of Information: Report,
Type: Written/ Oral.

Source.

5. Place of Occurrence: New Delhi.

(a) Direction and Distance from the P. S.: N/A

(b) Address: N/A.

(c) In case, outside the limit of this P. S., then

Name of PS.

District.

6. Complainant/ Informant .

Source

(a) Name:

(b) Father's / Husband Name:

(c) Date of Birth:

(d) Nationality:

(e) Passport particulars:

Date of Issue:

Place of issue

(f) Profession:

(g) Address:

7. Details of known/ suspected/ unknown accused with full particulars:
(Attached separate sheet, if necessary)
 - (1) Shri I,M Quddusi, Retd. Justice of the High Court of Odisha.
 - (2) Smt. Bhawana Pandey r/o: N-7, G.K-1, New Delhi (Private Person).
 - (3) Shri B.P. Yadav (Private Person).
 - (4) Shri Palash Yadav (Private Person).
 - (5) Shri Sudhir Giri (Private Person).
 - (6) Shri Biswanath Agarwala R/o: HIG-136, Phase-1, Kanan Vihar, Chandrashakerpur, Bhubaneswar, Odisha (Private Person).
 - (7) Other unknown public servants and private person.
8. Reason for delay in reporting by the Informant /Complainant: N/A.
9. Particulars of Properties Stolen(Attach separate sheet, if necessary).
10. Total value of Properties Stolen.
11. Inquest Report/U.D. Case No. if any:
12. First Information contents (Attach separate sheet, if required)
13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No.2
 - (1) Registered the case accordingly and the investigation or RC 10(A)/2017-AC.III registered.
 - (2) Directed (Name of IO): Smt Neelam Singh.
Rank No: Dy. Supdt. of Police.
 - (3) Refused investigation due to N/A.
 - (4) Transferred to PS District on point of jurisdiction.

FIR read over to the Complainant/ Informant , admitted to be correct, recorded and copy given to the Informant / Complainant free of cost.

R.O.A.C.

14. Signature /Thumb impression Of the
Complaint/informant

Signature of Officer in -charge
Police Station
Name (R Gopala Krishna Rao)
Rank Superintendent Of Police
CBI,AC.III, New Delhi

15. Date & Time of despatch to the Court:

Signature & Seal of the Inspector of Police,
Police Station:

INFORMATION

A reliable information has been received that Shri B P Yadav and Shri Palash Yadav are managing the affairs of Prasad Education Trust Lucknow which runs the Prasad Institute of Medical Science, Sarai Shahzadi Banthara Kanpur Raod Lucknow .UP Information revealed that the aforesaid College is among 56 Colleges who have been barred by the Government from admitting Medical Students for the forthcoming 1 or 2 Year because of Substandard facilities and non fulfilment of the required criteria

Information further revealed that Shri B P Yadav have been pursuing this matter by having regular meetings in New Delhi and had challenged the debarment in the Apex Court in Writ Petition (c) 442/2017 The Apex Court in Writ Petition (C) NO: 411 of 2017 and connected writs vide its combined order dated)1st August 2017 had

directed the government to consider the materials on record afresh pertaining to the issue of confirmation or otherwise of the letter of permission granted to the petitioner colleges/institutions In compliance thereof the Government afforded an opportunity Of hearing to the petitioner college and thereafter passed a reasoned decision dated 10th August 2017 to debar the college from admitting fresh students for the 2 Years 2017-2018 and 2018-2019 and also authorized MCI to encash the bank guarantee of Rs 2 Crores

Information further revealed that shri B P Yadav got in touch with shri I M Quddusi Retd. Justice Of the High Court Of Odisha and Smt. Bhawana Pandey r/o N-7 G.K - 1 New Delhi through Sh. Sudhir Giri Of Venkateshwara Medical College In Meerut and entered into criminal conspiracy for getting the matter settled Information Further revealed that the above mentioned order of the governments was initially challenged in the ongoing hearing in the aforesaid petition in the Apex Court by Prasad Education Trust.

Information further revealed that on the advice of Shri IM Quddusi the petition was withdrawn from the Apex Court And on 25.08.2017 Misc Bench 19870 of 2017 was filed

by Prasad Education Trust in Allahabad High Court The Allahabad High Court passed an order directing that the petitioners college shall not be delisted from the list of colleges notified for counselling till the next date of listing i.e 31st August 2017 .Further the encashment of Bank Guarantee was also stayed till the next date of listing. it was further clarified that on the basis of the order, the petitioners shall have been right to claim any admission of the students.

information further revealed that the MCI approached the Hon'ble supreme court by way of SLP 22427 of 2017 against the aforesaid order which was disposed on 29th august, 2017 on the respondents submitting that the College does not claim any benefit from the order passed by the High Court. Further, as the current order was being passed by the Apex Court, the writ petition filed before the High Court shall be deemed to have been disposed of the respondent was granted liberty to approach the Apex Court further in this regard.

Information further revealed that Prasad Education Trust filed a Writ petition (Civil) No. 797/2017 in the Apex Court Shri B.P. Yadav in furtherance of the said conspiracy requested Shri I.M. Quddusi and Smt. Bhawana Pandey who assured to to get the matter settled in the Apex Court through their contacts and they further engaged Shri

Biswanath Agrawala a private person R/o HIG-136, Phase1, Kanan Vihar, Chandrashakerpur Bhubeneshwar, Odisha for getting the matter settled in the Apex Court Shri Biswanath Agrawal claimed very close contact with senior relevant public functionaries and assured that he would get the matter favourably settled. However, the demanded huge gratification for inducing the public servants by corrupt and illegal means in lieu of the aforesaid help.

Information further revealed that in pursuance of the aforesaid criminal conspiracy, Shri B.P. Yadav and Shri Palash Yadav along with Shri I.M. Quddusi Smt. Bhawana Pandey, Sh. Sudhir Giri are likely to meet Shri Biswanath Agrawala for delivering the agreed illegal gratification to Shri Biswanath Agrawala at Delhi shortly.

The above mentioned information discloses common of offences punishable under section 8 of the Prevention of Corruption Act, 1988 and section 120-B of the IPC against Shri I.M. Quddusi, Smt. Bhawana Pandey, Shri B.P. Yadav, Shri Palash Yadav, shri Sudhir Giri, Shri Biswanath Agrawal and other unknown public servants and the private persons. Therefore, a Regular Case is registered against Shri I.M. Quddusi, Sbt bhawana Pandey, Shri B.P. Yadav, Shri Palash Yadav, Shri Sudhir Giri, Shri Biswanath Agrawala and other unknown public

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servants and the private persons for the said offences and entrusted to Smt. Neelam Singh DSP, CBI, AC III, New Delhi for investigation.

sd/-(19.09.2017)

(R. Gopala Krishna rao)

Superintendent of Police

CBI/AC.III/New Delhi

Endst> No. 3/10(A)/2017-AC.III/4565

1. The Special Judge for CBI Case. Tis Hazari, Delhi
2. AD, CBI, New Delhi
3. HoZ/AC(HQ), CBI, New Delhi
4. Smt. Neelam Singh, DSP, CBI, ACIII, New Delhi

(TRUE COPY)

ITEM NO.1502

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(s) (Civil) No(s). 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) Nos. 430/2017 (X)
W.P. (C) No. 432/2017 (X)
W.P. (C) No. 437/2017 (X)
W.P. (C) No. 438/2017 (X)
W.P. (C) No. 436/2017 (X)
W.P. (C) No. 445/2017 (X)
W.P. (C) No. 448/2017 (X)
W.P. (C) No. 441/2017 (X)
W.P. (C) No. 450/2017 (X)
W.P. (C) No. 442/2017 (X)
W.P. (C) No. 468/2017 (X)
W.P. (C) No. 477/2017 (X)
W.P. (C) No. 496/2017 (X)
W.P. (C) No. 511/2017 (X)
W.P. (C) No. 525/2017 (X)
W.P. (C) No. 515/2017 (X)
W.P. (C) No. 533/2017 (X)
W.P. (C) No. 514/2017 (X)

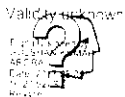
Date : 01-08-2017 These matters were called on for judgment today.

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

Mr. A. Ramesh, Adv.
Mr. Syed Ahmad Naqvi, Adv.
Mr. Avijit Kumar Tripathi, Adv.
Ms. Shilpi Gupta, Adv.
Gauri Krishna, Adv.

Mr. Amit Kumar, AOR

Mr. Rakesh K. Sharma, AOR



Mr. Ranjan Kumar Pandey, AOR

Mr. Raju Ramachandran, Sr. Adv.

Mr. Amitesh Kumar, Adv.

Mr. Shashank S. Singh, Adv.

Ms. Babita Kushwaha, Adv.

Ms. Priti Kumari, Adv.

Mr. Mritunjay Kumar Sinha, AOR

Mr. Gopal Shankar Narayan, Adv.

Dr. Mathew A. Kuzaalanadan, Adv.

Mr. Kuriakose Varghese, Adv.

Mr. V. Shyamohan, AOR

Mr. Suraya Prakashan, Adv.

Mr. G. Umapathy, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. A. Leo G. Rozario, Adv.

Mr. Aditya Singh, Adv.

For Respondent(s) Mr. Vikas Singh, Sr. Adv.

Mr. Gaurav Sharma, AOR

Mr. Prateek Bhatia, Adv.

Mr. Dhawal Mohan, Adv.

Ms. Amandeep Kaur, Adv.

Ms. Vriti Jindal, Adv.

Mr. Maninder Singh, ASG

Mr. Ajit Kumar Sinha, Sr. Adv.

Mr. R.K. Rathore, Adv.

Mr. Bibhu Shankar Mishra, Adv.

Mr. G.S. Makker, Adv.

Mr. Vipin Kumar, Adv.

Mr. Deepak Goel., Adv.

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

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

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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.

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.

Let these matters be listed on 24.8.2017 in terms of the signed reportable judgment.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed reportable judgment is placed on the file)

(TRUE COPY)

BY SPEED POST

No.U.12012/686/2015-ME - I [3063589]

Government of India

Ministry of Health & Family Welfare

(Department of Health & Family Welfare)

Nirman Bhawan, New Delhi-11

Dated the 10th August, 2017.**ORDER**

Subject: Conditional permission granted for establishment of Medical College in 2016-17 - Decision of the Central Government-Prasad Institute of Medical Sciences, Lucknow- reg.

Whereas the Prasad Education Trust made application for establishment of new medical college at Lucknow, Uttar Pradesh in the name and style of Prasad Institute of Medical Sciences, Lucknow for the academic session 2016-17 to the Ministry. The Ministry forwarded the application to MCI for evaluation and making recommendation to the Ministry u/s 10 A of IMC Act, 1956 for the academic session 2016-17.

2. Whereas the Medical Council of India (MCI) conducted assessment of the college on 11th and 12th December, 2015 and the assessment report was considered by the Executive Committee of MCI in its meeting held on 28/12/2015 and following was noted:

- i. *Deficiency of faculty is 44.6 % as detailed in the report.*
- ii. *Shortage of Residents is 41.3 % as detailed in the report.*
- iii. *Bed occupancy is 56 % (i.e. 168 out of 300) on day of assessment.*
- iv. *ICUs: There was NIL patient in ICCU, SICU, PICU/NICU on day of assessment. No doctor was available.*
- v. *There was no woman in labour Room at time of taking round.*
- vi. *Anatomy department: Available specimens are only 50.*

3. Whereas, based on the above, the MCI vide letter dated 30/12/2015 recommended to the Central Govt. not to issue Letter of Permission for establishment of New Medical College at Luknow, Uttar Pradesh by Prasad Education Trust u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

4. Whereas, u/s 10 A (4) of IMC, Act, 1956, the Ministry afforded an opportunity of hearing to the college before a personal hearing committee on 10.2.2016 and the case was referred back to MCI for review. Subsequently compliance verification assessment was



carried out by MCI on 05.02.2016. The compliance verification assessment report was considered by the Executive Committee at its meeting held on 13.05.2016 and noted following:

- i. *Deficiency of faculty is 52.30 % as detailed in the report.*
- ii. *Shortage of Residents is 54.34 % as detailed in the report.*
- iii. *Bed occupancy is 51.66 % (i.e. 155 out of 300 beds) on day of assessment which is inadequate.*
- iv. *ICUs: There was NIL patient in ICCU & only 2 patients each in PICU/NICU, SICU on day of assessment.*
- v. *Wards: Wards of Skin & VD, Ophthalmology, Tb & Chest, ENT are not as per MSR Regulations. There is no Nursing station, Examination room, Pantry, Store room, Duty room, Demonstration room inside the wards.*

5. Whereas the MCI vide letter dated 14.05.2016 returned the application for establishment of a new medical college at Lucknow, Uttar Pradesh by Prasad Education Trust to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

6. Whereas the Ministry accepted the recommendation of MCI and disapproved the applications of the college for establishment of new college for the academic session 2016-2017 vide letter dated 08.6.2016;

7. Whereas on Oversight Committee (OC) directive, the Ministry obtained compliance dated 20.6.2016 from the college afresh and forwarded it to MCI vide letter dated 22.6.2016. MCI returned the compliance citing various reasons. The Ministry forwarded the reply of MCI to OC;

8. Whereas the Supreme Court Mandated Oversight Committee on MCI (OC) vide its letter dated 11.08.2016 approved the scheme of establishment of new Medical College at Lucknow, Uttar Pradesh by Prasad Education Trust in name & style Prasad Institute of Medical Sciences, Lucknow with an annual intake of 150 for the academic year 2016-17 on certain conditions;

9. Whereas the Central Government on the approval of the OC issued necessary Letter of Permission on 20.08.2016 to the Prasad Education Trust for establishment of new Medical College at Lucknow, Uttar Pradesh for the academic year 2016-17 with conditions imposed by the OC;



10. Whereas as per the conditions laid down in the Letter of Permission an assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI on 11th & 12th November, 2016. Another inspection was also conducted by MCI on 9th & 10th Dec., 2016 by the Council Assessors;

11. Whereas, letter dated 09/12/2016 received from the appointed team of the Council Assessors as well as assessment report dated 9th & 10th December, 2016 alongwith the previous assessment report(11th & 12th November, 2016) and a letter dated 19/11/2016 received from the Council Assessors were considered by the Executive Committee of MCI at its meeting held on 22.12.2016 and noted the following :-

"...The Executive Committee also perused the letter dated 19/11/2016 from Dr. Rajeev R. Satoskar, Mumbai (Co-ordinator).

The Executive Committee further noted that another assessment of the college was carried out by the appointed team of the Council Assessors on 9th and 10th December, 2016 and vide letter dt. 9.12.2016 the team of Assessors stated as under:

"We entered the institute at 9.45 am on 9th Dec., 2016 but the Principal, Dr. N.K. Vashisht was not in his office and on enquiring from the administrative office we were told that he was on emergency leave for the day and there was no other staff member Incharge as the acting Principal. None of the officials were aware as to who was Incharge in the absence of the regular Principal.

Meanwhile Prof. of Anatomy Dr. Avinash Chandra Agarwal came to enquire about our presence. Meanwhile I, Dr. Sanjiv Nanda Coordinator also personally tried repeatedly to contact the Principal on mobile No. 09792329888 from my personal mobile phone from 9.50 a.m. onwards, but my phone was not picked up.

Meanwhile we asked to HR head, Ms Pratibha Mishra & Prof. Agarwal (Anatomy) to call all the staff members for attendance but this was not complied with. The attendance registers were also not produced for us to see.

Though we were not allowed assessment, we observed that the campus including the hospital wore a deserted look with hardly any people around the OPD & emergency block. The main gate of the hospital was also closed when we entered in the morning which is unusual for a hospital.

The College authority (HOD Surgery signing for the Principal) have given us letter stating that they do not want to get assessment done on 9th & 10th Dec., 2016."



12 Whereas, the MCI vide letter dated 26.12.2016 has informed and recommended to the Ministry as under:

In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 11/08/2016. The Executive Committee, after due deliberation and discussion, have decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 11/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Lucknow, Uttar Pradesh by Prasad Education Trust, Uttar Pradesh with an annual intake of 150 students under Dr. Ram Manohar Lohia Awadh University, Faizabad, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed.

13. Whereas the Ministry decided to grant a personal hearing to the College on 17.01.2017 by the DGHS. The Hearing Committee after considering the oral and written submission of the College submitted its report to the Ministry. In its report, the Hearing Committee observed as under:

Srl. No.	Deficiencies reported by MCI	Observations of hearing committee
i.	<i>"...The Executive Committee also perused the letter dated 19/11/2016 from Dr. Rajeev R. Satoskar, Mumbai (Co-ordinator).</i> <i>The Executive Committee further noted that another assessment of the college was carried out by the appointed team of the Council Assessors on 9th and 10th December, 2016 and vide letter dt. 9.12.2016 the team of Assessors stated as under:</i> <i>"We entered the institute at 9.45 am on 9th Dec.,</i>	<i>"Inspection was not allowed hence no technical comments can be offered."</i>

	2016 but the Principal, Dr. N.K. Vashisht was not in his office and on enquiring from the administrative office we were told that he was on emergency leave for the day and there was no other staff member Incharge as the acting Principal. None of the officials were aware as to who was Incharge in the absence of the regular Principal. Meanwhile Prof. of Anatomy Dr. Avinash Chandra Agarwal came to enquire about our presence. Meanwhile I, Dr. Sanjiv Nanda Coordinator also personally tried repeatedly to contact the Principal on mobile No. 09792329888 from my personal mobile phone from 9.50 a.m. onwards, but my phone was not picked up. Meanwhile we asked to HR head, Ms Pratibha Mishra & Prof. Agarwal (Anatomy) to call all the staff members for attendance but this was not complied with. The attendance registers were also not produced for us to see. Though we were not allowed assessment, we observed that the campus including the hospital wore a deserted look with hardly any people around the OPD & emergency block. The main gate of the hospital was also closed when we entered in the morning which is unusual for a hospital.	
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14. Whereas, the Ministry forwarded the Hearing Committee report to the OC for guidance. The OC vide its letter dated 14.05.2017 conveyed their following views to the Ministry:-

"The letter from Dr. R. R. Satoskar (Co-ordinator) not signed by all the assessors and has been submitted after the submission of the main report. Hence it does not have any validity.

On analysis of the assessment report, the assessors have pointed out Faculty Deficiency of 7.69% & Resident shortage of 6.52%. As this deficiency is within

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the acceptable limits, (though the Principal of the College has not agreed to the absence of 4 SRs and 7 faculty members -4 on sanctioned casual leave and 3 were in guest room), there is no deficiency warranting disapproval. "

LOP Confirmed.

15. Whereas the Ministry after considering the recommendation of MCI, Hearing reports of the DGHS & Views of the OC decided to accept recommendation of MCI since the College was found deficient in MCI inspection. Accordingly, Ministry vide letter dated 31.05.2017 debarred the College for two years and authorize the MCI to encash the Bank Guarantee.

16. Whereas the college filed W.P (C) No. 442/2017 in the Hon'ble Supreme Court of India which is a connected matter to W.P (C) No. 411 of 2017 - GLOCAL MEDICAL COLLEGE AND SUPER SPECIALITY HOSPITAL & RESEARCH CENTRE Versus Union of India & Others and the Hon'ble Supreme Court gave the following direction on 01.8.2017:-

"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"

17. Now, in compliance with the above direction of Hon'ble Supreme Court dated 1.8.2017, the Ministry granted hearing to the college on 3.8.2017. The Hearing Committee after considering the record and oral & written submission of the college submitted its report to the Ministry. The findings of the Hearing Committee are as under-

The college submitted that MCI conducted compliance verification as per OC orders on 11th-12th November 2016. However, without assigning any reason, MCI visited the college again on 9th December, 2016 to re-inspect. In the submission of the college, the principal had to proceed on an emergency leave and the college did not agree for inspection since there was no one else to handle MCI inspection.

MCI has informed that SAF form for the November inspection was not provided by the college and thus could not be communicated. However, the college had a copy of the SAF form. It was informed by the college that the form was signed by 3 assessors and not the fourth one on account of some

R

32

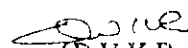
disagreement among themselves. Perhaps it was for this reason that the SAF form of November inspection was not provided by the assessors to MCI. The available material suggests that inspection did take place in November and deficiency of faculty and residents was only nominal at 7.6% and 6.5% respectively.

The college representatives pleaded that they are facing extreme financial difficulty and not able to meet recurring expenses on faculty etc and service the bank loan.

It is not an adequate defence by the college to say that second inspection could not be allowed since the Principal had to proceed on leave. The assessors have noted that the campus wore a deserted look and the hospital door was closed during their second visit

In the opinion of the Committee, MCI was not precluded from conducting inspection subject to sufficient reason and justification. The Committee agrees with the decision of the Ministry conveyed by letter dated 31.05.2017 to debar the college for 2 years and also permit MCI to encash bank guarantee.

18. Accepting the recommendations of the Hearing Committee, the Ministry reiterates its earlier decision dated 31.05.2017 to debar the college from admitting students for a period of two years i.e. 2017-18 and 2018-19 and also to authorize MCI to encash the Bank Guarantee of Rs. 2 Crores.


(D V K Rao)

Under Secretary to the Govt. of India
Telefax: 011-23062959

To

The Chairman/Secretary,
Prasad Education Trust,
Sarai Shahjadi, Banthara,
Kanpur Road,
Lucknow - 226010, Uttar Pradesh.

Copy to:

- 1 The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi.
- 2 The Principal Secretary (Health and FW), Government of Uttar Pradesh, 5th Floor Room No.-516, Vikas Bhawan, Lucknow-226001
- 3 The Registrar, Dr. Ram Manohar Lhoia Awadh University, Faizabad, Uttar Pradesh.
- 4 The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi.

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(TRUE COPY)

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)

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WP(C) 411/17

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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.

35

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.

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WP(C) 411/17

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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

WP(C) 411/17

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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

(TRUE COPY)

Allahabad High Court order dated 25.08.2017

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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

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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 popup 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 nowhere 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.

(TRUE COPY)

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
RECORD OF PROCEEDINGS

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. CHANDRACHUDFor 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.

Validly known
Digitally signed by
Caitanya Kumar
Date: 2017.08.29
16:02:18
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

(TRUE COPY)

ITEM NO.107

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 : 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. CHANDRACHUD

For 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 R

Let 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: 2017.09.04
14:05:57
Reason:

(Chetan Kumar)
Court Master

(Shakti Parkash Sharma)
Assistant Registrar

(TRUE COPY)

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ANNEXURE P 8

ITEM NO.62

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(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.

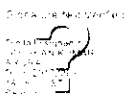
For Respondent(s)

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



(TRUE COPY)

WP(C) 797/2017

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

WP(C) 797/2017

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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

(TRUE COPY)

Retired Orissa High Court Judge Booked in Medical College Scam

Retired Justice IM Quddusi has been named as the accused number one in the FIR filed over allegations of bribery to settle a medical college recognition case in the Supreme Court.

Subhajit Sengupta | CNN-News18

Updated: September 20, 2017, 11:01 PM I

New Delhi: While corruption in Medical Council of India doesn't surprise anyone, anymore, the involvement of a former acting Chief Justice of Orissa High Court has exposed, how deep the rot is.

Retired Justice IM Quddusi has been named as the accused number one in the FIR filed over allegations of bribery to settle a medical college recognition case in the Supreme Court.

The story begins with BP Yadav and Palash Yadav of the Prasad Education Trust of Lucknow which runs the Prasad Institute of Medical Science.

This college is one of the 46 colleges barred by the 'Government from admitting medical students for the forthcoming 1 or 2 years because of substandard facilities,' according to FIR.

They had challenged the debarment in the apex court. The court had directed the Government to consider the materials on record afresh.

The government after due diligence and after hearing the perspective of the college debarred the college from admitting fresh students for two years from 2017. It also authorized MCI to encash the bank guarantee of Rs 2 crore.

Amid the series of petitions in Supreme Court and Allahabad High Court, the Yadav duo got in touch with the retired Justice Quddusi.

As per the FIR, justice Qudussi and his confidant Bhawana

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Pandey assured them that the matter would be settled in the Apex Court.

However, in return, as per the CBI, "he demanded the gratification for inducing the public servants by corrupt and illegal means in lieu of the aforesaid help."

CBI, then, received information that this set of people was likely to meet a hawala operator Biswanath Agarwal who had allegedly agreed to deliver the cash.

In subsequent raids at 8 places, CBI recovered close to Rs 2 crore in cash and several incriminating documents. The agency had seized Rs 1 crore which the hawala operator had handed over to an aide of the retired Justice.

This investigation has once again brought to the fore the issue of judicial corruption and the FIR against a former judge, who promised to get a favourable verdict, has exposed what was only spoken about in the corridors of the various courtrooms across the country.

<http://www.news18.com/news/india/retired-orissa-high-court-judge-booked-in-medical-college-scam-1523639.html>

(TRUE COPY)

PRASHANT BHUSHAN
ADVOCATE

RESI.

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(U.P.) - 201 301
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MOB: +919811164068

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(U.P.) - 201 301, FAX: 0120-4512694
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E-MAIL: prashantbhush@gmail.com

CHAMBER

301, NEW LAWYERS CHAMBER
SUPREME COURT OF INDIA
NEW DELHI
PH: 011-23070301, 23070645.

Dated: November 2nd, 2017

To,
The Registrar
Supreme Court of India
New Delhi-110001

Subject: Diary No. 34846 of 2017 in Writ Petition (Criminal)
No. ____ of 2017 titled Campaign for Judicial Accountability
& Reforms Vs. Union of India & Anr.

Dear Sir,

In the Writ petition Campaign for Judicial Accountability and Reforms v. UOI & Anr, with regard to the defect in filing of annexures chronologically according to date, I wish you inform you that the annexures as they have been put in the writ are essential for a better understanding of the case at hand. Place as it on my own risk.

Further since the writ is based on a CBI FIR dated 19.09.2017, the writ is being filed as a Criminal Writ Petition.

Please cure the defects on these counts.

Thank you.

Sincerely,

(Prashant Bhushan)