

[S.C.R.Order XXI RULE 3 (1) (a)]

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2020

(Against the Impugned Interim Order dated 07.05.2020
passed by the Hon'ble High Court of Judicature for
Telangana at Hyderabad in Writ Petition No. 6624 of 2020)

[WITH PRAYER FOR INTERIM RELIEF]

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

WITH

I.A. NO. OF 2020

[APPLICATION SEEKING PERMISSION TO FILE
ADDITIONAL DOCUMENTS.]

WITH

I.A. NO. OF 2020

[APPLICATION SEEKING EXEMPTION FROM FILING
CERTIFIED COPY OF IMPUGNED ORDER]

WITH

I.A. NO. OF 2020

[APPLICATION FOR EXEMPTION FROM
FILING NOTARIZED AFFIDAVITS]

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ADVOCATE FOR THE PETITIONERS: SIDDHANT BUXY

RECORD OF PROCEEDINGS

[illegible]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

OFFICE REPORT ON LIMITATION

1. The Petition is/are within time
2. The Petition is barred by time and there is a delay of _____ days in filing the same against order dated 07.05.2020 and petition for condonation of _____ days has been filed.
3. There is a delay of _____ days in refiling the Petition and petition for condonation of _____ days delay has been filed.

SECTION OFFICER

PROFORMA FOR LISTING

SECTION: XII-A

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

- | | | |
|--------------------------|-------------------------------------|--|
| ☐ | Central Act: (Title) | Indian Medical Council of India Act, 1956 |
| ☐ | Section: | 10A and 33 |
| ☐ | Central Rule: (Title): | Regulation 3 of The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000
And
Regulation 9 of the Post Graduate Medical Education Regulations, 2000 |
| ☐ | Rule No(s): | Regulations 3 and 9 respectively |
| ☐ | State Act: (Title) | N/A |
| ☐ | Section: | N/A |
| ☐ | State Rule: (Title) | N/A |
| ☐ | Rule No(s): | N/A |
| ☐ | Impugned Interim Order: (Date) | 07.05.2020 |
| ☐ | Impugned Final Order/Decree: (Date) | N/A |
| ☐ | High Court: (Name) | Hon'ble High Court of Judicature for Telangana at Hyderabad |

[] Names of Judges: **Hon’ble Shri Justice M.S. Ramachandra Rao and**
Hon’ble Shri Justice T. Amarnath Goud

[] Tribunal/Authority: (Name) **N/A**

1.	Nature of matter:	Civil
2.	(a) Petitioner/ No.1:	Kamineni Medical College
	(b) e-mail ID:	N/A
	(c) Mobile phone number:	N/A
3.	(a) Respondent No.1:	Union of India
	(b) e-mail ID:	secyhfu@nic.in
	(c) Mobile phone number:	N/A
4.	(a) Main Category classification:	40- Admission/Transfer to Engineering and Medical Colleges
	(b) Sub-classification:	4001- Medical Admission Matters
5.	Not to be listed before:	N/A
6.	(a) Similar disposed of matter with citation, if any, & case details:	N/A
	(b) Similar pending matter with case details:	No similar matter is pending
7.	Criminal Matters:	
	(a) Whether accused/convict has surrendered: [] Yes [] No	
	(b) FIR No.	N/A

(c) Police Station: N/A

(d) Sentence Awarded: N/A

(e) Period of sentence undergone including
period of Detention/Custody Undergone N/A

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**

Date: 12.05.2020

AOR for petitioner(s)/appellant(s)



SIDDHANT BUXY

AOR Code No. 2903

Email: siddhant.buxy@gmail.com

SYNOPSIS

The Petitioners are filing the present matter in urgent circumstances, challenging Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020, wherein the Hon'ble High Court has directed suspension of surrender of seats in post graduate diploma courses by the medical colleges in Telangana.

As a result of the Impugned Order, the SLP Petitioner colleges are not being able to fill additional seats in their PG degree courses validly created in lieu of the surrendered seats in PG diploma courses. These seats would otherwise have been filled through State counselling.

The cut-off date for completing State counselling is 13th May 2020 and for completing Central counselling is 31st May 2020, for the academic year 2020-21, while the Hon'ble High Court has fixed the next date of hearing on 1st June 2020. Thus, the Impugned Order is going to result in wastage of 18 post graduation seats in medical colleges in Telangana for the academic year 2020-21, if not interfered with by this Hon'ble Court before the cut-off date.

The medical colleges, including the SLP Petitioners herein, had surrendered seats in post graduate diploma courses in lieu of increasing an equal number of seats in their corresponding post graduate degree courses, in accordance with Regulation 3(8) in Part II of The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or

Training (including a Postgraduate Course of Study or Training) Regulations, 2000 ("**2000 Regulations on Increase of Admission Capacity**"). This Regulation was inserted by an amendment on 12.07.2018 and it allows colleges to do so, upon obtaining permission from the Central Government. Permission from the Central Government is based on recommendations from the Board of Governors in supersession of the Medical Council of India, and is subject to affiliation from the University for the additional seats in PG degree courses. The rationale behind this regulation is to address the problem of shortage of teachers in medical colleges.

The Hon'ble High Court erred in passing the Impugned Order in the absence of the SLP Petitioners, who have been impleaded by the Hon'ble High Court on its own in the Impugned Order itself. Thus, the SLP Petitioners have suffered an adverse order in their absence and without an opportunity to represent themselves.

Moreover, the Impugned Order is far beyond the writ petition in which it has been passed. The writ petition before the Hon'ble High Court is not a public interest litigation petition. It is filed by a doctor who is claiming a vested right to pursue Post Graduation Diploma in Medical Radio Diagnosis based on her service in rural areas for 6 years. Regulation 9 of the Post Graduate Medical Education Regulations, 2000 provides for weightage in NEET marks for service in rural/difficult/remote areas, and 50% of the PG Diploma seats are reserved for doctors who have served in such areas. The writ petitioner's grievance was that the Regulation enabling conversion of PG Diploma seats into PG Degree seats has reduced the number of PG Diploma

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seats in Medical Radio Diagnosis, thus reducing her chances of getting one such seat over which she claims to have a vested right. Accordingly, the writ petition before the Hon'ble High Court claimed relief in the form of a direction to the relevant authorities to provide a seat to her in either the Nizam's Institute of Medical Science or in Indo American Cancer Institute, Hyderabad in the Medical Radio Diagnosis branch for the academic year 2020-21.

The SLP Petitioner colleges do not offer any course in the Medical Radio Diagnosis branch. Therefore, they were not made a party in the writ petition before the Hon'ble High Court, and no relief was prayed against them. Neither the MCI notification dated 12.07.2018 amending the 2000 Regulations on Increase of Admission Capacity, nor the Central Government's permission letter dated 18.03.2020 permitting colleges to convert seats from diploma to degree courses was specifically challenged in the writ petition. However, the Hon'ble High Court impleaded 5 colleges including the Petitioners herein on its own volition, and passed an order suspending the surrender of PG diploma seats, thereby making it impossible to fill such seats by counselling for the academic year 2020-21.

In the Impugned Order, the Hon'ble High Court has erroneously construed Regulation 3(8) of the 2000 Regulations on Increase of Admission Capacity as a mandatory discontinuance of post graduate diploma courses in all medical colleges and erroneously held that it would deprive the rural areas of medical facilities. The Hon'ble High Court's reasoning is based on an assumption that since 50% of PG Diploma seats are reserved for in-service doctors in rural and/or difficult/remote

areas, conversion of such seats into degree seats will take away the incentive for doctors to serve in rural areas, and will also deprive the in-service doctors in rural/difficult areas of opportunity to pursue post graduation. Thus, the Hon'ble High Court held that the conversion of seats from PG diploma courses to PG degree courses is unreasonable and opposed to public interest, and passed the Impugned Order suspending surrender of seats in PG degree courses.

As further detailed in the grounds of present SLP, the Petitioners submit that the Impugned Order is erroneous for inter alia the following reasons:

1. The Impugned Order is opposed to principles of nature justice:
 - a. It was passed without the present of Petitioners before the Hon'ble High Court and even before affording them an opportunity to represent themselves.
 - b. It was passed in a writ petition which is not a PIL petition and where no pleading, prayer or case is made out against the SLP Petitioners.
2. The Impugned Order is passed in excess of the scope of judicial review:
 - a. Allowing conversion of PG Diploma seats into PG Degree seats was a policy decision taken by an expert body (MCI). The Hon'ble High Court interfered with it without considering the decision making process or giving any deference to it.

- b. The recommendations of the Board of Governors and the permission of the Central Government to the colleges to convert diploma seats into degree seats, specifically the communications dated 27.02.2020 and 18.03.2020 were not even placed on record before the Hon'ble High Court, and it went ahead with suspending the surrender of diploma seats.
 - c. The MCI notification dated 12.07.2018 amending the 2000 Regulations on Increase of Admission Capacity was not specifically challenged in the writ petition. However, the Hon'ble High Court held it to be unreasonable and against public interest.
- 3. The Hon'ble High Court did not consider that the incentives for rural service, viz. 50% reservation in PG diploma seats and weightage in NEET-PG marks for diploma as well as degree seats, are still available. Reduction in the number of PG Diploma seats is a separate event that is available for each college to initiate. In any case, even if all PG diploma seats were to be converted to PG degree seats, the weightage in NEET-PG marks for rural service will still continue to serve as a strong incentive. The Hon'ble High Court has erroneously assumed that in-service doctors in rural areas can pursue post graduation only in Diploma courses.
- 4. The Hon'ble High Court has erred in finding a prima facie case in the writ petition. No vested or accrued right arises in favour of any in-service doctor in a rural area to pursue post graduation in any particular branch.

5. The Impugned Order, if not stayed and/or reversed, will lead to wastage of several post graduation seats in the State of Telangana for the academic year 2020-21.

Hence, the present SLP.

LIST OF DATES

- 14.08.2000 The Medical Council of India ("MCI") in exercise of powers conferred by Section 10A read with Section 33 of the Indian Medical Council Act, 1956, passed, The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000 ("**2000 Regulations on Increase of Admission Capacity**"). Part II of these Regulations lay down the scheme for permission of the Central Government to increase the admission capacity in any course of study or training (including post graduate course of study or training) in existing medical colleges/institutions. Regulation 3 provides the qualifying criteria for a medical college/institution to apply for increasing the number of admissions.
- 22.08.2000 The MCI, in exercise of powers conferred by Section 10A read with Section 33 of the Indian Medical Council Act, 1956, passed the Post Graduate Medical Education Regulations, 2000 ("**PG Regulations, 2000**"). Regulation

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9 dealt with selection of postgraduate students.

- 20.10.2008 The MCI amended Regulation 9 of the PG Regulations, 2000, to provide in Regulation 9(1)(b) that 50% of the seats in Post Graduate Diploma Courses shall be reserved for Medical Officers in the Government service, who have served for at least three years in remote and difficult areas.
- 17.11.2009 The MCI further amended Regulation 9 of the PG Regulations, 2000, to provide in the proviso to Regulation 9(2)(d), that *“in determining the merit in the entrance test for postgraduate admission weightage in the marks may be given as an incentive at the rate of 10% of the marks obtained for each year in service in remote or difficult areas up to the maximum of 30% of the marks obtained.”*
- 05.04.2018 Regulation 9 of the PG Regulations, 2000 had been amended multiple times. The last amendment took place on 05.04.2018. The provision for reservation in 50% of the PG Diploma seats is now in Regulation 9(8) and the provision for weightage in marks in the entrance exam (NEET) for the number of years of service in remote/difficult/rural areas is now in proviso to Regulation 9(4) of the PG Regulations, 2000.
- 12.07.2018 The MCI amended the 2000 Regulations on Increase of Admission Capacity by inserting clause (8) in Regulation 3 in Part II of the said regulations ("**2018 Amendment**"). The inserted provisions is as follows:

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"A Medical College/Medical Institution shall be entitled to seek equal number of postgraduate degree (MD/MS) seats by surrendering recognised Diploma seats in corresponding course. For such purposes the applicant Medical College/Medical Institution shall make an application to the Central Government along with an undertaking for stopping admission. The Central Government shall on receipt of such application issue a notification omitting the name of Diploma in respect of the said Medical College/Medical Institution. The Central Government shall forward the application alongwith omission notification and undertaking to the Council for recommendation. The Council after verifying the documents shall make an appropriate recommendation to the Central Government without any physical verification in normal circumstances. However, Council may, if so require carry out physical verification assessment before making any recommendation to the Central Government. Such recommendation shall be for inclusion of degree course against the increased intake in the First Schedule of IMC Act, 1956. The decision by the Central Government in this regard shall be taken on or before the last date of grant of permission in respect of broad speciality courses for that academic year. Further, the surrendered Diploma seats shall not be included in the seat matrix of the subsequent academic years."

An e-gazette copy of the MCI Amendment Notification No. MCI-18(I)/2018-Med./122294 dated 12.07.2018 issued by the Medical Council of India is annexed herewith and marked as **Annexure P-1 (at pages 57 to 59)**.

18.03.2019 Various medical colleges had applied for permission to increase seats in their PG degree courses by surrendering seats in their corresponding PG diploma courses. However, for various reasons, some diploma courses could not be converted to degree seats by the Board of Governors in supersession of the MCI. These seats were therefore re-notified for PG diploma courses in the counselling for the academic year 2019-20. At serial

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number 48 in the list of such re-notified seats, the Petitioner No. 1 institute's two seats in Diploma in Clinical Pathology had been re-notified. This also shows that conversion of PG diploma seats into PG degree seats was not an automatic process at the discretion of colleges.

A copy of the public notice dated 18.03.2019 published by the Ministry of Health and Family Welfare is annexed herewith and marked as **Annexure P-2 (at pages 60 to 68)**.

27.02.2020 Various colleges had applied for conversion of diploma seats into corresponding degree seats for the academic year 2020-21. On 27.02.2020, the Board of Governors recommended conversion of postgraduate diploma course seats into corresponding degree seats prospectively as per a list attached with their letter dated 27.02.2020, subject to affiliation of additional PG degree seats by the concerned University. Accordingly, the SLP Petitioner institutes were recommended to surrender seats in their diploma courses in lieu of increasing seats PG degree courses by an equal number.

18.03.2020 The Ministry of Health and Family Welfare approved conversion of postgraduate diploma seats into corresponding degree seats from the academic session 2020-21, as recommended by the the Board of Governors. However, the institutes concerned were required to obtain the affiliation from the concerned affiliating University with regard to enhanced intake

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capacity of the degree courses before admitting the students.

Thus, the SLP Petitioner institutes were validly given permission to convert seats in their PG diploma courses into seats for PG degree courses by the Ministry.

2020 The writ petitioner before the High Court (Respondent No. 8 herein) participated in the NEETPG exam and scored 330 marks out of 1200, securing the 92570th rank in NEET-PG 2020. The cut-off score for General category was 366 and for OBC/SC/ST category was 319. The writ petitioner (Respondent No. 8 herein) belonging to OBC category is eligible for counselling.

22.04.2020 The writ petitioner (Respondent No. 8 herein) filed a writ petition being W.P. No. 6624 of 2020 before the Hon'ble High Court for the State of Telangana at Hyderabad, stating that the action of authorities including the MCI in converting all Diploma seats into Degree seats had made the incentives under the PG Regulations, 2000 for rural service invalid and deprived her from pursuing her post-graduation in DMRD (Diploma in Medical Radio Diagnosis). She thus, claimed the conversion of diploma seats into degree seats as illegal, arbitrary, without jurisdiction and in gross violation of principles of natural justice and in gross violation of her fundamental rights under Article 14 of the Constitution of India. She had completed MBBS in the year 2008 and had been in rural service for 6 years. She claimed a vested right to pursue post-graduation in DMRD based on rural service for 6

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years.

The writ petitioner thus prayed for a direction to the authorities to provide her a seat in Nizams Institute of Medical Sciences in the branch of 'Diploma in Medical Radio Diagnosis', or a Diploma in National Board Seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad. The SLP Petitioner colleges were not a party to the writ petition and the as such no relief was claimed against them.

A copy of the writ petition being W.P. No. 6624 of 2020 dated 22.04.2020 filed by the Respondent No. 8 herein in the Hon'ble High Court for the State of Telangana at Hyderabad is annexed herewith and marked as **Annexure P-3 (at pages 69 to 84)**.

05.05.2020 The Hon'ble High Court impleaded in the above writ petition, the Nizam Institute of Medical Sciences as Respondent No. 6 and Basavatarakam Indo American Cancer Hospital & Research Institute as Respondent No. 7, and issued notice to them. The Hon'ble High Court also passed an order stating that exercise of web options by the candidates for PG Diploma seats to be filled in NEET PG Medical Examinations for the year 2020 will be subject to further orders. It is pertinent to note that neither were the SLP Petitioners made parties till this order, nor were they filling any PG Diploma seat as all their PG Diploma seats had already been converted to PG Degree seats on 18.03.2020.

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07.05.2020 The Hon'ble High Court passed the Impugned Order impleading 5 medical colleges including the SLP Petitioner colleges, issuing notice to them returnable on the next date of hearing on 01.06.2020, and suspending the surrender of seats in PG Diploma Courses for PG Medical Courses in these colleges.

It is pertinent to note that pursuant to the surrender of seats in PG Diploma courses, the SLP Petitioner colleges had been permitted to increase seats in their PG Degree courses. It is also pertinent to note that as per the schedule prescribed and mandated in the PG Regulations, 2000, State counselling must be completed by 13th May 2020 and Central counselling must be completed by 31st May 2020.

The Impugned Order is erroneous as it has adversely affected the SLP Petitioner colleges in their absence before the Hon'ble High Court and in a writ petition that does not seek any relief against them.

The Impugned Order is further based on various erroneous assumptions such as the writ petitioner having a vested/accrued right to postgraduate in Diploma in Medical Radio Diagnosis due to her service in rural areas for 6 years; and the 2018 Amendment permitting conversion of diploma seats into degree seats being only to benefit private medical colleges to profit, etc.

The Impugned Order is also beyond the power of judicial review as the Hon'ble High Court has interfered with a

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policy decision simply because it did not agree with it.

09.05.2020 Based on the Impugned Order, the Kaloji Narayana Rao University of Health Sciences, Telangana, with which the SLP Petitioner colleges are affiliated, passed a notification stating that in obedience of the Impugned Order, 18 PG Degree seats across various fields which were converted from diploma to degree seats in various colleges for the academic year 2020-21, were being kept aside for counselling at a later date after making necessary arrangements along with other diploma seats. Thus, the SLP Petitioners are not being able to fill their PG degree seats due to the Impugned Order.

Hence, the present Special Leave Petition.

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD
WRIT PETITION NO: 6624 OF 2020**

Between:

Dr. Pilligundla Bhavana, W/o. Sri Mandala Dinakar Kiran

...Petitioner

AND

1. Union of India, Rep by its Secretary, Ministry of Health and Family Welfare, Government of India. (Email - secyhfw@nic.in)
2. Medical Council of India, Rep by the Board of Governors through its Joint Secretary, Pocket- 14 , Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
3. National Board of Education, Rep by its Joint Director, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029, (Email - mail@natboard.edu.in)
4. State of Telangana, Rep by the Principal Secretary, Department of Health, Medical and Family Welfare, Hyderabad. (Email. prlsecy_hmfw@telangana.gov.in)
5. Kaloji Narayanarao University of Health Sciences, Rep by its Registrar, Nizampura, Warangal, Telangana 506007. (Email - knruhs115@gmail.com)
6. Nizam Institute of Medical Sciences, Rep. by its Director, Panjagutta, Hyderabad-82, Telangana
7. Basavatarakam Indo American Cancer Hospital & Research Institute, rep. by its Chief Executive Officer, Road No. 10, Banjara Hills, Hyderabad-34, Telangana
(Respondent Nos. 6 & 7 impleaded as per Court order dated 05.05.2020 vide IA. No. 2 of 2020)
8. The Kakatiya Medical College, represented by its Principal, Warangal
9. Kamineni Medical College, Narketpalli, Nalgonda District represented by its Principal.
10. Pratima Medical College, Karimnagar, represented by its Principal.
11. MNR Medical College, Medak, represented by its Principal
12. Gandhi Medical College, Secunderabad, represented by its Principal,
(Respondent Nos.8 to 12 impleaded as per Court order dated 07.05.2020 vide WP. No. 6624 of 2020)

Respondents

WHEREAS the Petitioner above named through her Advocate Sri P. Thirumala Rao, presented this Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus i) declaring the action of the respondents in causing invalidation of Regulation 9(1)(b) and 9(7) of the Post Graduate Medical Education Regulations, 2000 by converting all the Diploma seats into Degree seats and in so doing depriving the petitioner from pursuing her Post Graduation Medical education in DMRD (Diploma in medical radio diagnosis), as illegal, arbitrary, without jurisdiction and in gross violation of principles of natural justice and in gross violation of the petitioners fundamental right guaranteed under Article 14 of the Constitution of India, and ii) further be pleased to declare that the petitioner having served as a Medical Officer in rural/difficult area is entitled to a Diploma/Degree seat on account of the incentive/reservation as provided under Regulation 9(1)(b) and 9(7) of the Post Graduation Medical Education Regulations, 2000 and consequently direct respondents 1, 2, 4 and 5 to provide a seat to the petitioner in Nizams Institute of Medical Sciences in the branch of DMRD (Diploma in Medical Radio Diagnosis), and iii) further be pleased to alternatively declare that the petitioner is entitled to a Diplomat in National Board seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad and consequently direct the 3rd respondent to provide a Diplomat in National Board seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein, and upon hearing the arguments of Sri P.Thirumala Rao, Advocate for the Petitioner, directed issue of notice to the impleaded Respondent No. 8 to 12 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal, Kakatiya Medical College, Warangal
2. The Principal, Kamineni Medical College, Narketpalli, Nalgonda District.
3. The Principal, Pratima Medical College, Karimnagar.
4. The Principal, MNR Medical College, Medak.
5. The Principal, Gandhi Medical College, Secunderabad.

are directed to show cause on or before 01-06-2020 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the Writ Petition, the High Court may be pleased to direct 5th respondent to allow the petitioner to participate in the ongoing NEETPG counseling and accordingly reserve a Post Graduate Diploma/Degree seat in Nizams Institute of Medical Sciences in the branch of Radiology, pending disposal of WP No. 6624 of 2020, on the file of the High Court.

The Court made the following: ORDER:

“The petitioner in this Writ Petition is aggrieved by the action of the Union of India represented by its Secretary, Ministry of Health and Family Affairs (1st respondent) and the Medical Council of India (2nd respondent) in converting all the Post Graduate Diploma Seats in Medicine into corresponding Post Graduate Degree seats and depriving the petitioner of availing the incentive accrued to her under Regulation 9(1)(b) of the Post Graduate Medical Regulation, 2000.

Petitioner possesses an M.B.B.S. Degree and was employed as Civil Assistant Surgeon at Community Health Centre, Sadasivpet, which is a rural area from 2008-11. Thereafter she was appointed as a Medical Officer in Rural Primary Health Centre, Atmakur from 2011-14 and is presently working as Medical Officer at Primary Health Centre, Raikode.

Rule 9 of the above Regulations stipulated that 50% of the seats in Post Graduate Diploma courses shall be reserved for Medical Officers in the Government service, who have served at least 3 years in remote and difficult areas. The Regulation further stipulates that after acquiring the P.G. Diploma, the Medical Officers shall serve for 2 years in remote and/or difficult areas.

Relying on this, the petitioner enrolled and completed 3 years rural service and has become eligible for admission to P.G. Diploma courses.

Petitioner intended to apply for the incentive seat in 2020-21 academic year and appeared for NEET PG and qualified in the entrance securing 330 marks and 6334 rank at the State level.

In 2012, Regulation 9 of the Regulations was amended providing for adding of 10% of marks obtained for each year of service in remote and/or difficult areas upto maximum of 30% of marks obtained in NEET. Petitioner claims that of this, she would secure a better rank at State level ensuring her a seat in PG Diploma Course. Petitioner is interested in pursuing the PG Diploma in Medical Radio Diagnosis.

However, in 2018, the Medical Council of India issued 'The Opening of a New or Higher Course of Study or Training (including Post Graduate Course of Study or Training) and Increase of Admission Capacity in any course of Study or Training (including a Post Graduate course of Study or Training) Regulations, 2000' vide Notification No.MCI-18(1)(2018-MED/122294 dt.12-07-2018 amending clause 3(8) of Part-II under the Heading 'qualifying criteria' and provided that '*a Medical College/Medical Institution shall be entitled to seek equal number of Post Graduate Degree (MD/MS) seats by surrendering recognized Diploma seats in corresponding course.*'

It is stated by the learned Standing Counsel for the 2nd respondent University that taking advantage of the said provision, 6 private and Government Medical Colleges have surrendered 18 PG Diploma course seats for P.G. seats in the corresponding subjects in the academic year 2020-21.

Learned counsel for petitioner contends that such surrender has left only one PG Diploma in Medical Radio Diagnosis seat available, thus reducing the chances of the petitioner securing it in this academic year. Earlier, there were 10 such PG Diploma seats in the said subject according to her.

Learned counsel for MCI Ms.Poojitha contended that this surrender was permitted by MCI ostensibly to ensure that more people would be available to teach MBBS students.

The multitude of poor in India looks to treatment for their medical illnesses in Government Hospitals and PHCs which are part of the Public Health System in this Country.

The Covid-19 epidemic has exposed the fragility of the medical infrastructure in Government sector in the country - not only the lack of physical infrastructure like hospitals, ventilators, medicines but also inadequacy of qualified doctors in Government service serving the poor. That was why a lock down extending for more than 2 months has been imposed by the State Government from March 17,2020 till May 29, 2020 – to ramp up the physical infrastructure and buy the requisite masks, ventilators and medicines. But qualified doctors with requisite experience and skill can't be created overnight and that they are too less in numbers, is beyond doubt.

Also it is now apparent that there are very few medical colleges, cost of medical education (both Degree and PG) is very high and there is a severe shortage of qualified and experienced Doctors in Government run hospitals/PHCs.

The time has thus come to re-examine the issues of both Medical education and employment in Government hospitals/PHCs of qualified medical staff such as Doctors and nurses apart from para medical staff.

The Regulation 9 (1) (b) and Regulation 9 (VII) which give preference and also weightage in marks to inservice doctors in PG Diploma courses who worked in remote rural or tribal areas etc. was rightly intended to ensure that there is an incentive to such Doctors employed by the Government Hospitals/PHCs to upgrade their knowledge, expertise and skills and use it while serving the poor who come to such hospitals/PHCs. Otherwise they would have to quit their jobs to pursue these PG Diploma courses or the Post Graduate Medical courses. It was thus a policy adopted in public interest.

Apparently the MCI, when it issued on 12-07-2018 'The Opening of a New or Higher Course of Study or Training (including Post Graduate Course of Study or Training) and Increase of Admission Capacity in any course of Study or Training (including a Post Graduate course of Study or Training) Regulations, 2000' by amending clause 3 (8) of Part-II (which permits *the Medical Colleges to surrender the Diploma seats to get PG Medical course seats*), lost sight *prima facie* of the above primary objective of giving preference to inservice doctors in the PG Diploma courses – to ensure that they upgrade their knowledge and skill and expertise in the cause of providing good quality service in Government hospitals/PHCs to the poor by undergoing the Diploma courses.

The rationale furnished by the learned counsel for MCI for making a provision of this nature (ostensibly to increase the numbers of teaching faculty) cannot be accepted because admittedly very few PG Diploma seats are earmarked for inservice candidates and depriving them of the opportunity to upgrade their skills would adversely impact the Public Health Care system.

Assuming that the MCI was not aware of the importance of this aspect - improving the State Public Health care system by allowing inservice Doctors to upgrade their skills and knowledge by getting PG Diplomas- in 2018, in the present Covid-19 situation, when the need to improve the State Public Care system has been too obvious to ignore, neither MCI nor the State Government could have permitted the Pvt. and Govt. Medical Colleges to surrender the seats in PG Diploma courses intended for inservice candidates by converting them to PG Medical seats.

This Court also takes judicial notice of the fact that recently the Telangana Admissions and Fee regulatory Authority has doubled the tuition fees to be charged for PG Medical courses from Rs.3.8.lakhs per year to Rs.7.6 lakhs per year and the State of Telangana had notified this in the last one week.

When the cost of PG Medical courses is very high and the duration of such courses is 3 years compared to PG Diploma courses which is 2 years, it makes sense and appears to be in public interest to have inservice doctors get preference and weightage in PG Diploma courses and quickly enrich their knowledge in the relevant medical subject within 2 years and serve the poor public, rather than make them resign their present job, spend a lot of money, wait for 3 years to complete the PG Medical course and probably join one of the lucrative private sector Hospital jobs.

This policy of the MCI and the State Government only benefits the Private Medical colleges to profit and deprives the poor of the service of an efficient Government doctor with upgraded skills and knowledge and undermines the Public Health care system. It is prima-facie against the public interest and is a decision which prima facie no reasonable man can take in the present circumstances.

Art.47 of the Constitution of India makes it the primary duty of the State to improve the public health.

Recently in *Assn. of Medical Superspeciality Aspirants & Residents v. Union of India*¹, the following important observations, on the State's duty in regard to public health, were made by the Supreme Court:

*"24. In Akhil Bharatiya Soshit Karamchari Sangh (Railway) v. Union of India*² it was held that maintenance and improvement of public health have to rank high as these are indispensable to the very physical existence of the community and on the betterment of these depends the building of the society of which the Constitution-makers envisaged. It was further observed in the above judgment that attending to public health, therefore, is of high priority—perhaps the one at the top.

*25. It is for the State to secure health to its citizens as its primary duty. No doubt the Government is rendering this obligation by opening government hospitals and health centres, but in order to make it meaningful, it has to be within the reach of its people, as far as possible, to reduce the queue of waiting lists, and it has to provide all facilities to employ best of talents and tone up its administration to give effective contribution, which is also the duty of the Government*³.

*26. Right to health is integral to the right to life. Government has a constitutional obligation to provide health facilities*⁴. The fundamental right to life which is the most precious human right and which forms the ark of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest it with significance and vitality which may endure for years to come and enhance the dignity of the individual and the worth of the human person. The right to life enshrined in Article 21 cannot be restricted to mere animal existence. It means something much more than just physical survival. The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter, and facilities for reading, writing and expressing oneself

¹ (2019) 8 SCC 607, at page 625

² (1981) 1 SCC 246

³ *State of Punjab v. Ram Lubhaya Bagga* ... 1998 4 SCC 117 paras 26,17 and 35

⁴ *State of Punjab v. Mohinder Singh Chawla* ... 1997 3 SCC 83

in diverse forms, freely moving about and mixing and commingling with fellow human beings. Every act which offends against or impairs human dignity would constitute deprivation pro tanto of this right to live and the restriction would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights²⁵."

Therefore the action of the MCI, the State Government and the KNR UHS in permitting, amidst the Covid-19 pandemic, the Private and Government Medical colleges in the State of Telangana to surrender the few PG Diploma seats wherein inservice candidates are given weightage and preference for PG Medical seats is *prima facie* arbitrary and unreasonable and violates Art.14 and 21 of the Constitution of India.

Therefore we deem it appropriate to implead as respondents 8 to 12 in the Writ Petition, (1) the Kakatiya Medical College, represented by its Principal, Warangal, (2) Kamineni Medical College, Narketpalli, Nalgonda District represented by its Principal, (3) Pratima Medical College, Karimnagar, represented by its Principal, (4) MNR Medical College, Medak, represented by its Principal and (5) Gandhi Medical College, Secunderabad, represented by its Principal, as respondents in this Writ Petition since according to the learned counsel for 2nd respondent University PG Diploma course seats in these Colleges were surrendered by the respective Managements for equivalent number of P.G. seats in the corresponding subjects.

For the aforesaid reasons, pending further orders, the surrender of seats in PG Diploma Courses for PG medical courses by respondents 8 to 12 Medical colleges where the inservice candidates are given weightage and preference, is suspended for the Academic Year 2020-21.

Issue notice to the impleaded respondents. Personal notice permitted.

List on 01-06-2020."

SD/-SRI JUSTICE M.S.RAMACHANDRA RAO
AND
SD/-SRI JUSTICE T.AMARNATH GOUD

//TRUE COPY//



REGISTRAR (JUDICIAL)



SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Health and Family Welfare, Government of India. (Email - secyhw@nic.in)
2. The Board of Governors through its Joint Secretary, Medical Council of India, Pocket-14, Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
3. The Joint Director, National Board of Education, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029, (Email - mall@natboard.edu.in)
4. The Principal Secretary, Department of Health, Medical and Family Welfare, State of Telangana, Hyderabad. (Email. prlsecy_hmfw@telangana.gov.in)
5. The Registrar, Kaloji Narayanarao University of Health Sciences, Nizampura, Warangal, Telangana 506007. (Email - knruhswg115@gmail.com)
6. The Director, Nizam Institute of Medical Sciences, Panjagutta, Hyderabad-82, Telangana
7. The Chief Executive Officer, Basavatarakam Indo American Cancer Hospital & Research Institute, Road No. 10, Banjarahills, Hyderabad-34, Telangana
(Addressees 1 to 5 by RPAD)
8. The Principal, Kakatiya Medical College, Warangal
9. The Principal, Kamineni Medical College, Narketpalli, Nalgonda District.
10. The Principal, Pratima Medical College, Karimnagar.
11. The Principal, MNR Medical College, Medak.
12. The Principal, Gandhi Medical College, Secunderabad.
(Addressees 8 to 12 by RPAD- along with a copy of petition and memorandum of grounds)
13. One CC to Sri P.Thirumala Rao, Advocate [OPUC]
14. One CC to Sri Namavarapu Rajeshwar Rao, Asst. Sol. General, [OPUC]
15. Two Spare Copies

HIGH COURT

MSR,J
&
TA,J

DATE: 7-5-2020

NOTE; POST ON 01-06-2020

NOTICE BEFORE ADMISSION

WP. NO. 6624 OF 2020

SUSPENSION



IN THE SUPREME COURT OF INDIA
[S.C.R. Order XXI RULE 3 (1) (a)]
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2020
(Under Article 136 of the Constitution of India)

(WITH PRAYER FOR INTERIM RELIEF)

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ... Respondents

POSITION OF PARTIES

		Before the High Court	In this Hon'ble Court
1	Kamineni Medical College, Kamineni Institute of Medical Sciences, Sreepuram, Narketpalli, Nalgonda District, Telangana - 508001 Represented by its Principal	Respondent No. 9	Petitioner No. 1
2	Prathima Medical College, PIMS Campus, Prathima Institute of Medical Sciences, Nagunur, Karimnagar, Telangana – 505417 Represented by its Principal	Respondent No. 10	Petitioner No. 2
3	MNR Medical College, MNR Nagar, Fasalwadi, Narsapur Road, Sangareddy, Medak, Telangana –	Respondent No. 11	Petitioner No. 3

502294

Represented by its Principal

VERSUS

1	Union of India, Rep by its Secretary, Ministry of Health and Family Welfare, Government of India, Nirman Bhawan, Near Udyog Bhawan Metro Station, Maulana Azad Road, New Delhi - 110011. (Email - secyhfu@nic.in)	Respondent No. 1	Respondent No. 1
2	Medical Council of India, Rep by the Board of Governors through its Joint Secretary, Pocket- 14 , Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email - mcr@bol.net.in)	Respondent No. 2	Respondent No. 2
3	National Board of Education, Rep by its Joint Director, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029, (Email - mail@natboard.edu.in)	Respondent No. 3	Respondent No. 3
4	State of Telangana, Rep by the Principal Secretary, Department of Health, Medical and Family Welfare, Hyderabad. (Email - prlsecy_hmfiv@telangana.gov.in)	Respondent No. 4	Respondent No. 4
5	Kaloji Narayanarao University of Health Sciences, Rep by its Registrar, Nizampura, Warangal, Telangana 506007, (Email – knruhswg115@gmail.com)	Respondent No. 5	Respondent No. 5
6	Nizam Institute of Medical Sciences, Rep. by its Director, Panjagutta, Hyderabad-500082, Telangana	Respondent No. 6	Respondent No. 6

7	Basavatarakam Indo American Cancer Hospital & Research Institute, rep. by its Chief Executive Officer, Road No. 10, Banjara Hills, Hyderabad-500034, Telangana	Respondent No. 7	Respondent No.7
8	Dr. Pilligundla Bhavana w/o Shri Mandala Dinakar Kiran, H. No. 3-1-66, Subhash Road, Sadasivpet, Sanga Reddy District, Telangana (Email – dr.bhavanagoud2010nakshatra@gmail.com)	Petitioner	Respondent No. 8
9	The Kakatiya Medical College, South North VP Road, Nizampura, Rangampet Street, Warangal – 506007, Telangana, represented by its Principal	Respondent No. 8	Proforma Respondent
10	Gandhi Medical College, Musheerabad, Padmarao Nagar, Secunderabad, Telangana - 500003, represented by its Principal.	Respondent No. 12	Proforma Respondent

TO

THE HON'BLE THE CHIEF JUSTICE OF INDIA,

AND HIS COMPANION JUDGES OF THE

HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF
THE PETITIONER HEREIN

MOST RESPECTFULLY SHOWETH: -

1. That the Petitioner is filing the present SLP against the Impugned Interim Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020, wherein the Hon'ble High Court has erroneously directed suspension of surrender of seats in post graduate diploma courses by the medical colleges in Telangana. As a result of the Impugned Order, the SLP Petitioner colleges are not being able to fill such seats through counselling, resulting in wastage of 18 post graduation seats in medical colleges in Telangana for the academic year 2020-21.

1.1 The names of the Petitioners herein in the memo of parties above are as reflected in the memo of parties in the Impugned Order. The correct names of the Petitioners are Kamineni Institute of Medical Sciences, Prathima Institute of Medical Science, and MNR Medical College and Hospital, respectively. The names recorded in the Impugned Order are not technically correct because the Hon'ble High Court has impleaded the Petitioners herein on its own volition.

2. QUESTIONS OF LAW:

The following questions of law arise in the present case:

- A. Whether the Hon'ble High Court erred in passing the Impugned Order in the absence of the SLP Petitioners before the Hon'ble High Court?
- B. Whether the Hon'ble High Court erred in passing the Impugned Order impleading the SLP Petitioners in the writ petition before it and suspending the valid and lawful

surrender of PG diploma seats by them, when the writ petition did not contain any pleading or prayer against them?

- C. Whether the Hon'ble High Court erred in reversing the recommendations of Board of Governors and the permission of Ministry of Health and Family Welfare for conversion of PG diploma seats into PG degree seats without even having the said documents on the record?
- D. Whether the Hon'ble High Court exceeded the scope of judicial review by interfering with a policy decision taken by an expert body without even considering the decision-making process?
- E. Whether the writ petitioner (Respondent No. 8 herein) has a vested/accrued right to pursue post-graduation in Diploma in Medical Radio Diagnosis by virtue of her rural service for 6 years? If yes, whether such a right has been infringed by the reduction in the number of PG diploma seats due to the 2018 Amendment? If yes, whether any order could be passed against the SLP Petitioner colleges which never offered the course of the writ petitioner's choice?
- F. Whether the Hon'ble High Court erred in finding a prima facie case in favour of the writ petitioner and in finding the 2018 Amendment prima facie unreasonable?

3. DECLARATION UNDER RULE 3(2):

The Petitioner states that no other petition seeking special leave to appeal has been preferred against the impugned

judgment and order before this Hon'ble Court under Article 136 of the Constitution of India.

4. DECLARATION UNDER RULE 5:

The Annexures P-1 – P-3 produced along with the Special Leave Petition are true translated/typed copies of the pleadings/documents which formed part of the records of the Court below against whose order special leave to appeal is sought for in this petition.

5. GROUNDS:

Special Leave to Appeal is sought for on, inter alia, the following grounds, which are taken without prejudice to one another.

A. That the Hon'ble High Court erred in passing the Impugned order beyond the pleadings and reliefs claimed.

(a) The writ petitioner in the Hon'ble High Court had prayed for a direction to the authorities to provide her a seat in Nizams Institute of Medical Sciences in the branch of 'Diploma in Medical Radio Diagnosis', or a Diplomate in National Board Seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad. As such the writ petitioner had not claimed any relief against the SLP Petitioner colleges.

(b) The SLP Petitioners along with few other colleges were impleaded by the Hon'ble High Court on its own volition. As a matter of fact, the Petitioner colleges never offered any post graduate diploma

course in Medical Radio Diagnosis, for which the writ petition has been filed.

- (c) The writ petitioner has not claimed any interim relief to suspend the surrender of seats in PG Diploma Courses by the colleges. In fact, the only interim relief claimed by the writ petitioner was to direct the university to allow her *"to participate in the ongoing NEETPG counselling and accordingly reserve a Post Graduate Diploma/Degree seat in Nizam's Institute of Medical Sciences in the branch of Radiology"*.

B. That the Hon'ble High Court has erred in passing the Impugned Order in violation of principles of natural justice, as it adversely affects the Petitioners in their absence.

- (a) The Hon'ble High Court has impleaded the SLP Petitioners and issued notice to them by way of the Impugned Order dated 07.05.2020. Thus, the SLP Petitioners were not parties and hence not represented before the Hon'ble High Court when the Impugned Order was passed.

- (b) The Impugned Order has, pending further orders, suspended the surrender of seats in PG Diploma Courses by the Colleges, thus not only preventing them from increasing seats in PG Degree Courses, but also forcing them to fill seats in PG Diploma Courses.

(c) While passing the Impugned Order, the Hon'ble High Court has fixed the next date of hearing on 01.06.2020. However, the last date of joining for the students in Postgraduate courses (broad speciality) through Central Counselling is 31st May, and through State Counselling is 13th May. Thus, the SLP Petitioner colleges will not be able to represent themselves before the Hon'ble High Court before closing of counselling.

(d) Moreover, based on the Impugned Order, the University with which the SLP Petitioner colleges are affiliated, passed a notification directing all the colleges to put on hold counselling for the seats that were converted from PG diploma to PG degree. There were a total of 18 such seats. Thus, the SLP Petitioner colleges will not be able to fill up the additional seats in Postgraduate degree courses permitted to them in lieu of surrendering seats in the corresponding PG diploma courses, as the deadline for counselling is 31st May, while the next date of hearing in the Hon'ble High Court is fixed on 1st June 2020.

(e) Thus, the Petitioner colleges have been adversely affected by the Impugned Order in a material way, without any chance of representing themselves.

C. That the Hon'ble High Court erred in impleading the SLP Petitioners in the Impugned writ petition, when no pleading, no relief and no case is made out against them.

The SLP Petitioners do not offer the specialisation that the writ petitioner wants (Medical Radio Diagnosis), and thus she has not asked for any relief against them.

- D. That the Hon'ble High Court erred in passing the Impugned Order suspending the surrender of PG Diploma seats by colleges, because the neither the letter dated 27.02.2020 from Board of Governors recommending conversion of seats nor the letter dated 18.03.2020 from the Ministry of Health and Family Welfare permitting conversion of seats was before the Hon'ble High Court. These decisions were also not impugned by the writ petitioner. However, the Impugned Order reverses the effect of these communications without even having them on the record.
- E. That the Hon'ble High Court erred in exceeding the scope of judicial review and interfering with a policy decision of an expert body (the MCI) of entitling all medical colleges to seek equal number of PG degree seats by surrendering recognised diploma seats in corresponding course. This policy decision was taken by MCI to account for the shortage of teachers in medical colleges and the increasing demand for PG degree courses. It is settled law that the Courts cannot replace a policy decision unless it is shown to be in violation of fundamental rights. In the present case, however, the Hon'ble High Court has erroneously interfered with the policy decision made by the MCI simply because in its opinion, in light of the present Covid-19 pandemic PG Diploma seats should not be reduced in number.

- F. That the Impugned Order is erroneous as the MCI Amendment Notification No. MCI-18(I)/2018-Med./122294 dated 12.07.2018 amending the 2000 Regulations on Increase of Admission Capacity to allow conversion of seats was not specifically challenged in the writ petition before the Hon'ble High Court.
- G. That the Hon'ble High Court has erroneously held that the policy decision taken by the MCI to enable medical colleges to convert PG Diploma seats into PG Degree seats is against public interest and unreasonable in light of the recent COVID-19 pandemic. The Petitioners respectfully submit that there is no rational nexus between the COVID-19 pandemic and the policy decision of allowing conversion of PG Diploma seats to PG Degree seats taken by the MCI in July 2018.
- H. That in any case, there is no prima facie case in the writ petition before the Hon'ble High Court, and therefore, the Impugned Order is erroneous and perverse.
- (a) The writ petition is based on an erroneous assumption that since the writ petitioner worked as a medical officer in a rural area for 6 years, she has a vested or accrued right over one particular seat in the PG Diploma course in a specialisation and college of her choice.
- (b) The writ petitioner does not have a vested right to pursue post graduation in Diploma in Medical Radio Diagnosis. None of the regulations made by the MCI including Regulation 9 of the PG Regulations,

2000 vests any right on any person to have a seat in a post graduation course on account of service in a rural area. The incentives of weightage in marks in NEET and 50% reservation in PG Diploma seats do not vest or accrue any such right. In any case, these incentives are anyway not affected by allowing colleges to convert diploma seats to degree seats.

(c) In any case, the grievance in the writ petition is about reduction in the number of PG Diploma seats, and not their abolition altogether. Therefore, even if a vested right is assumed for the sake of arguments, there is no violation of such a right as only the number of seats have been reduced, and the PG Diploma courses have not been abolished. Moreover, the process of counselling was not yet over when the writ petition was filed.

(d) Further, the writ petition and the Impugned Order are based on an erroneous understanding of the 2018 Amendment of the 2000 Regulations on Increase of Admission Capacity, that they mandate shutting down of PG diploma courses of all colleges. As submitted above, medical colleges have been merely given an option to increase seats in PG degree courses by surrendering seats of corresponding PG diploma courses. Moreover, this process requires permission from the Central Government based on recommendations of the Board of Governors in supersession of the MCI for recommendation, and such permission is subject to affiliation of additional

PG seats by concerned University. On 18.03.2019, based on recommendations of the Board of Governors, the Central Government had refused to convert various diploma seats in colleges throughout the country.

(e) The Hon'ble High Court erred in assuming that in-service government doctors can postgraduate only in a diploma course and not in a degree course, as the Impugned Order holds that reduction in the number of PG diploma seats deprives the in-service doctors of opportunity to upgrade their skills.

I. That without prejudice to the above submissions, the Hon'ble High Court has erred in assuming without any basis that enabling colleges to convert PG diploma seats to PG degree seats will adversely impact the healthcare services in rural areas purportedly due to (i) a lack of incentive for doctors to serve in rural areas and (ii) due to the longer duration of a degree course as compared to a diploma course.

(a) Proviso to Regulation 9(4) of the PG Regulations 2000 still continues to provide weightage in marks in NEET as an incentive upto 10% of the marks obtained for each year of service in remote and/or difficult areas or rural areas upto a maximum of 30% of the marks obtained in NEET. This incentive is available not only for admission in PG Diploma courses but also in PG Degree courses.

- (b) Regulation 9(8) of the PG Regulations 2000 still continues to reserve 50% of the seats in PG Diploma courses for medical officers in government service, who have served for at least three years in remote and/or difficult and/or rural areas.
- (c) The 2018 Amendment to the 2000 Regulations on Increase of Admission Capacity do not mandate compulsory surrendering of all PG Diploma seats by medical colleges. They merely entitle the colleges to increase seats in PG degree courses by surrendering an equal number of seats in the corresponding PG diploma course. Thus, there still exist PG diploma seats in medical colleges, albeit in a reduced number.
- (d) The Hon'ble High Court's reasoning that since PG degree courses are one year longer than PG diploma courses, the in-service doctors in rural areas will be forced to resign from their jobs and study for three years, thus, depriving the rural areas of such doctors, is erroneous and perverse.
- i. Even for PG Diploma courses, the doctors were required to leave the rural areas and come to the medical college/hospital to undergo their course.
 - ii. Moreover, it is an unfounded assumption that the post of such doctors in rural areas will remain empty till they complete their post graduation. In any case, this factor

remains the same regardless of whether the in-service doctors in rural areas do a degree course or a diploma course for postgraduation.

J. That the Hon'ble High Court erred in holding that the 2018 Amendment to the 2000 Regulations on Increase of Admission Capacity allowing colleges to increase their seats in PG Degree courses by surrendering an equal number of seats in PG Diploma courses only benefits private medical colleges to profit.

- (a) The above amendment applies to all colleges, including government colleges.
- (b) The Hon'ble High Court's reasoning is based on the increase in tuition fees for PG Medical Courses as recommended by the Telangana Admissions and Fee Regulatory Committee and notified by the State Government. However, the observation that it benefits private medical colleges to "profit" is baseless, as the fees are fixed on the TAFRC recommendations to ensure that there is no profiteering.
- (c) Since the SLP Petitioner colleges are only charging fees that has been recommended by the TAFRC and fixed by the State Government, it is erroneous to assume profiteering on their part simply because they are private colleges.

K. Any other ground that may be raised by the permission of this Hon'ble Court.

6. GROUNDS FOR INTERIM RELIEF:

- A. Great prejudice would be caused to the Petitioners if the Impugned Order is not stayed pending the disposal of the present Special Leave Petition, as the cut-off date for completing all forms of counselling for the academic year 2020-21 is 31st May 2020, while the Hon'ble High Court has fixed the next date of hearing on 1st June 2020. Thus, the Impugned Order is going to result in wastage of 18 post-graduation seats in medical colleges in Telangana for the academic year 2020-21.
- B. No prejudice will be caused to the Respondents if the Impugned Order is stayed pending the disposal of this petition. The authorities will not be affected if PG Degree seats are filled, and the Respondent No. 8 (writ petitioner before the High Court) anyway never claimed any relief against the SLP Petitioners. Therefore, if the Petitioners herein are permitted to fill their additional PG Degree seats, none of the Respondents will be prejudiced.
- C. The Petitioners have a prima facie case and the balance of convenience is also in their favour. Irreparable harm would be caused to the Petitioners if the Impugned Order is not stayed.

D. Therefore, in the interest of justice, while not causing any prejudice to the Respondents, this Hon'ble Court may, during pendency of the present SLP/appeal, kindly be pleased to stay the operation of the Impugned Order.

7. MAIN PRAYER

Wherefore in light of the above, the Petitioner herein most humbly submits that this Hon'ble Court may be pleased to:

- a) Grant Special Leave to Appeal against the Impugned Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020;
- b) Pass such other Order or Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

8. PRAYER FOR INTERIM RELIEF

Wherefore in light of the above, the Petitioner herein Most Humbly submit that this Hon'ble Court may be pleased to:

- a) Grant ad interim ex parte stay of operation of the Impugned Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020;

- b) pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and thereby render justice.

AND FOR THIS ACT OF KINDNESS THE
PETITIONER AS IN DUTY BOUND SHALL EVER
PRAY

Drawn by:
Siddhant Buxy
Ramesh Allanki
Advocates

Filed by:



Siddhant Buxy
Advocate for the Petitioners

AOR CODE : 2903

Place: New Delhi
Drawn on: 11.05.2020
Filed on: 12.05.2020

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Court whose Order is challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. This Certificate is given on the basis of the instructions given by the Petitioner whose affidavit is filed in support of the Special Leave Petition.

New Delhi

Dated: 12.05.2020



SIDDHANT BUXY

ADVOCATE FOR THE PETITIONER

AOR CODE: 2903

26-A

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.

OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors.

.....Petitioner

Versus

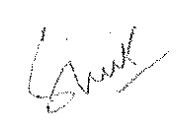
Union of India & Ors.

.....Respondents

AFFIDAVIT

I, SHRUTI MOHANTY, D/o Rajani Kanta Mohanty aged about 57 years, Principal of Petitioner No.1, Narketpalli, Nalgonda District, State of Telanagana do hereby solemnly affirm and state as under: -

1. That I am the Principal of the Petitioner No.1 in the above special leave petition and therefore well-conversant with the facts of the case as derived from official records and duly authorized and competent to swear the present affidavit. I am authorized by the other petitioners.
2. I state that the content of synopsis & List of dates at pages B to N and content of Special leave Petition as contained in Para 1 to 8 at pages 9 to 25 are true and correct to our knowledge and information derived from the record of the case and those submission of law made in


PRINCIPAL

KAMINENI INSTITUTE OF MEDICAL SCIENCES
NARKETPALLY-508 254. (T.S.)

question of law, ground and Para 1 of the Special Leave Petition, Prayers, Prayer for interim relief and certificate and applications are true as per legal advice received from the advocate and believed by us are true and correct to the best of my knowledge.

3. I state that the contents of averments made are true and correct. I say that the Annexure P-1 to P- 3 at pages- 57 to 84 produced along with the Special Leave Petition are true and correct.

4. I say that the averments of facts stated herein above are true to our knowledge, no part of it is false, and nothing material has been concealed there from.


DEPONENT

VERIFICATION

Verified at New Delhi on this the 11th day of May 2020, that the contents of para 1 to 4 of this affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed there from.


DEPONENT
PRINCIPAL

KAMINENI INSTITUTE OF MEDICAL SCIENCES
MARKETPALLY-508 254. (T.S.)

MEDICAL COUNCIL OF INDIA

The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000.



(AMENDED UP TO JULY, 2018)

MEDICAL COUNCIL OF INDIA
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(PUBLISHED IN PART III, SECTION 4
OF GAZETTE OF INDIA,
DATED THE 7TH OCTOBER, 2000)
MEDICAL COUNCIL OF INDIA

NOTIFICATION

New Delhi, dated the 14th August, 2000

No.M.C.I.34 (41)2000-Med:- In exercise of the powers conferred by section 10A read with section 33 of the Indian Medical Council Act, 1956 (102 of 1956), in super-session of the Establishment of new Medical Colleges, opening of higher courses of study and increase of admission capacity in medical colleges Regulations, 1993, in so far as it relates to application for permission of the Central Government for starting new or higher courses (including PG degree/diploma and higher specialities) in a medical college / institution and application for permission of the Central Government to increase the admission capacity in MBBS/Higher courses (including Diploma/ Degree/ Higher specialities) in the existing medical colleges/institutions, the Medical Council of India, with the previous sanction of the Central Government, hereby makes the following regulations, namely :-

1. Short title and commencement:-
 - (1) These regulations may be called, 'The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definition:-
 - (1) In these regulations, unless the context otherwise requires,-
 - (a) 'Act' means the Indian Medical Council Act, 1956 (102 of 1956);
 - (b) "medical college" means any institution by whatever name called in which a person may undergo a course of study or training including any post graduate course of study or training which will qualify him for the award of a recognised medical qualification.
 - (2) Words and phrases used in these regulations and not defined but defined in the Act shall have the meanings respectively assigned to them.
 - (3) The permission for establishment of a new or higher course of study, etc.-
 - (a) open a new or higher course of study or training (including a post graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification; or

- (b) increase admission capacity in any course of study or training (including a post-graduate course of study or training); except after obtaining the previous permission of the Central Government by submitting Scheme annexed to these regulations.

PART - I

SCHEME FOR PERMISSION OF THE CENTRAL GOVERNMENT FOR OPENING A NEW OR HIGHER COURSE OF STUDY OR TRAINING (INCLUDING A POSTGRADUATE COURSE OF STUDY OR TRAINING) IN A MEDICAL COLLEGE OR INSTITUTION.

1. INSTRUCTION TO THE MEDICAL COLLEGE/INSTITUTION:

For starting higher courses in medical subjects in the medical colleges/institutions, the medical college/institution should be a recognised medical college or institution. The medical college/institution should conform to the guidelines laid down in the Graduate Medical Education Regulations, 1997/Postgraduate Medical Education Regulations of the Medical Council of India as amended from time to time and approved by the Central Government. The medical college/institution may apply to the Central Government for the permission along with the permission of the State Government, affiliation granted by an University recognised under University Grants Commission Act or State or Central Act and in conformity with the Medical Council of India regulations along with the documentary evidence to show additional financial allocation, provision for additional space, and equipment and other infrastructural facilities and provision of recruitment of additional staff as per Medical Council of India norms.

2. SUBMISSION OF APPLICATION AND APPLICATION FEE:

The application (Appendix I) under this Scheme shall be submitted by registered post to the Secretary (Health), Ministry of Health and Family Welfare, Department of Health, Government of India, Nirman Bhawan, Maulana Azad Road, New Delhi- 110011 alongwith the information and non-refundable application fee of Rs. Two Lakh in the form of demand draft in favour of "Medical Council of India" and payable "at Delhi". This fee is for registration, technical scrutiny and contingent charges and for inspections (two physical inspections for Diploma courses and three inspections for degree courses). Besides the above inspection, the normal inspection fee and the inspection fee for recognition of the course shall apply to the concerned medical college or institution as prescribed by the Council with the approval of the Central Government.

The following has been included in the fourth line after the words "application fee of Rs. Two Lakh" in terms of Notification published on 29.07.2008 in the Gazette of India .

PART II

SCHEME FOR PERMISSION OF THE CENTRAL GOVERNMENT TO INCREASE THE ADMISSION CAPACITY IN ANY COURSE OF STUDY OR TRAINING (INCLUDING POST GRADUATE COURSE OF STUDY OR TRAINING) IN THE EXISTING MEDICAL COLLEGES/INSTITUTIONS.

1. INSTRUCTIONS TO THE MEDICAL COLLEGE/INSTITUTION:-

For increasing the number of seats in the MBBS, Post-graduate Diploma Degree/Higher Specialty courses, the medical college/institution should conform to the regulations prescribed by the Council. They should apply to the Central Government for this permission along with the permission of State Government, affiliation granted by an University recognized under University Grants Commission Act or State Act or Central Act and in conformity with the Medical Council of India Regulations, along with documentary evidence to show the additional financial allocation, provision for additional space and equipment and other infrastructural facilities and provision for recruitment of additional staff as per the Council norms.

2. SUBMISSION OF APPLICATION/APPLICATION FEE:-

The application (Appendix II) under this scheme shall be submitted by registered post to the Secretary (Health), Ministry of Health and Family Welfare, Government of India, Nirman Bhavan, Maulana Azad Road, New Delhi - 110 011 along with the information and non-refundable application fee of Two Lakh rupees in the form of demand draft in favour of "Medical Council of India" and payable at Delhi. This fee is for registration, fee for technical scrutiny and contingent expenditure and for carrying out of physical inspection for the purpose.

The following has been added in the fourth line after the words "application fee of Rs. Two Lakh" in terms of Notification published on 29.07.2008 in the Gazette of India:-

"for the Government Colleges (under Central Government and State Governments) and Rs. 4.00 Lakhs for private sector medical colleges/institutions"

3. QUALIFYING CRITERIA:-

The medical college/institution shall qualify to apply for increasing the number of admission in MBBS/PG Diploma/Degree/Higher Specialty Course in the existing medical college /institution if the following conditions are fulfilled:-

1. (1) The Medical College/Institution is recognized by the Medical Council of India for running MBBS/PG Diploma/PG Degree/Higher Speciality Courses;

Or

- (2) Medical College/Institution has received the formal permission of the Central Government under section 10A of the Indian Medical Council Act, 1956 (102 of 1956) and has started the post-graduate course in which the increase in admission capacity is sought.

The above Clause has been substituted with the following in terms of Notification published on 29.12.2009 in the Gazette of India:-

“The medical college/institution must be recognized by the Medical Council of India for running Bachelor of Medicine and Bachelor of Surgery/Post Graduate Course; however, the medical college/institute which is not yet recognized by the Medical Council of India for the award of MBBS degree may apply for increase of intake in Post Graduate Courses in pre-clinical and para-clinical subjects of Anatomy, Physiology, Biochemistry, Pharmacology, Pathology, Microbiology, Forensic Medicine & Community Medicine at the time of 4th renewal i.e. along with the admission of 5th Batch for the MBBS Course”.

The above Clause has been further substituted with the following in terms of Notification published on 02.05.2016 in the Gazette of India:-

“For any increase in the annual intake capacity for admission to MBBS course, only those medical college/institution are eligible to apply whose medical degree is a recognized medical qualification under section 11(2) of the Indian Medical Council Act, 1956 for that particular intake capacity/increased intake capacity for which Letter of Permission was granted by the Central Government; however, the medical college/institute which is not yet recognized under section 11(2) of the IMC Act, 1956 for the award of MBBS degree may apply for increase of intake in Postgraduate courses in pre-clinical and para-clinical subjects of Anatomy, Physiology, Biochemistry, Pharmacology, Pathology, Microbiology, Forensic Medicine & Community Medicine at the time of 4th Renewal, i.e. along with the admission of 5th batch for the MBBS course”

The above Clause has been further substituted with the following in terms of Notification published on 08.06.2018 in the Gazette of India:-

“A Medical College/Medical Institution shall be entitled to make an application to increase the admission capacity for MBBS/PG Diploma/PG Degree/Higher Specialty Courses, once the concerned qualification against the sanctioned intake has been granted recognition

under section 11 (2) of the Act and included in the First Schedule of the Act."

2. The permission letter regarding desirability and feasibility of having an increase of seats in the existing medical college/institution for aforesaid Courses has been obtained by the applicant from the respective State Government or the Union Territory Administration.
3. Letter of University's permission for increasing the admission capacity in any course of study or training (including a postgraduate course of study or training) in seats in the existing medical college/institution has been obtained by the medical college/institution from the university to which it is affiliated.

The above Clauses "3.2 and 3.3" have been substituted with the following in terms of Notification published on 29.12.2009 in the Gazette of India:-

"3.2 That the Essentiality Certificate in the prescribed format regarding no objection of the State Government/Union Territory administration for opening of New or Higher Course of Study or Training (Including Post Graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (Including a Post Graduate Course of Study or Training) in the medical college/institution and availability of the adequate clinical material as per the Council Regulations have been obtained by the applicant from the concerned State Government/Union Territory administration, as the case may be.

The above point no.3.2 of the Qualifying Criteria of "(A) Part II Scheme for permission of the Central Government to increase the admission capacity in any course of study or training (including Postgraduate course of Study or Training) in the existing medical colleges/institutions" shall be deleted" in terms of Notification dated 24.10.2016 published in the Gazette of India.

3.3 That Consent of Affiliation in the prescribed format with respect to opening of New or Higher Course of Study or Training (Including Post Graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (Including a Post Graduate Course of Study or Training) has been obtained by the Medical College/institution from the University to which it is affiliated."

4. That the medical college/institution has a feasible and time bound programme to provide additional equipment and infrastructural facilities like the number of staff, space, funds, equipment and teaching beds etc,

for increased numbers as laid down in the Medical Council of India Regulations.

The above sub-clause 4 of clause 3 under the heading “qualifying criteria” in part II , shall be deleted in terms of Gazette Notification dated 06.07.2017.

5. The ratio of teaching staff and students shall be as laid down in the Medical Council of India Regulations on Minimum Standard Requirements for the Medical College for 50/100/150 Admissions in a medical college for Bachelor of Medicine and Bachelor of Surgery (MBBS) and the Post-graduate Medical Education Regulations for post-graduate admissions.
6. That the maximum number of admissions in MBBS course shall not exceed 150 annually.

The above Clause has been substituted with the following in terms of Notification published on 09.12.2009 in the Gazette of India:-

“The maximum number of admission in MBBS course shall not exceed 250 annually provided that the eligibility criteria fixing the upper ceiling of annual intake to 200/250 admissions annually shall be as under:-

A. For Annual intake capacity of 200

- (i) Number of teaching beds not less than 1250 with the standing of not less than 15 years.***
- (ii) OPD strength per day not less than 2000.***
- (iii) Bed occupancy average not less than 80%.***
- (iv) The hospital must be unitary.***

B. For Annual intake capacity of 250

- (i) Number of teaching beds not less than 1500 with the standing of not less than 15 years.***
- (ii) OPD strength per day not less than 3000.***
- (iii) Bed occupancy average not less than 80%.***
- (iv) The hospital must be unitary.”***

The above Clause 6 as amended vide notification dated 9.12.2009 shall be substituted as under, in terms of Notification dated 17.09.2010.

“6. The maximum number of admissions in MBBS course shall not exceed 250 annually provided that the eligibility criteria for fixing upper ceiling of annual intake to 200/250 admissions annually shall be as under:-

(a) For annual intake capacity of 200

- (i) *Number of teaching beds not less than 900 with standing of not less than 10 years.*

*“The period of ten years shall be reckoned from the date of submission of application to the Central Government of the year in which Letter of Permission has been granted.”

The above Clause has been added in terms of Notification published on 20.06.2018 in the Gazette of India.

- (ii) *OPD strength per day not less than 2000*
 (iii) *Bed occupancy : Average not less than 75%*
 (iv) *The hospital must be unitary.*

(b) *For annual intake capacity of 250*

- (i) *Number of teaching beds not less than 1100 with standing of not less than 10 years.*

*“The period of ten years shall be reckoned from the date of submission of application to the Central Government of the year in which Letter of Permission has been granted.”

The above Clause has been added in terms of Notification published on 20.06.2018 in the Gazette of India.

- (ii) *OPD strength per day not less than 3000*
 (iii) *Bed occupancy : Average not less than 75%*
 (iv) *The hospital must be unitary.*

The following shall be added in terms of Gazette Notification dated 16.04.2010 as substituted vide notification dated 09/12/2009: -

“The Essentiality Certificate shall be submitted by the Applicant Institute in the following proforma: -

“ESSENTIALITY CERTIFICATE FOR INTAKE OF 200/250 SEATS

No.

Government of _____

Department of Health & Family Welfare

Dated, the.....

To

The

(applicant),

Course : _____

Sir,

The desired certificate is as follows:

- (1) *It is certified that the _____ is recognized u/s _____ (name of institute) u/s 11(2) of the IMC Act, 1956 for _____ seats in MBBS course*
- (2) *No. of institutions already existing in the State :*
- (3) *No. of institutions offering MBBS course :*
- (4) *No. of seats available in the MBBS course in the State:*
- (5) *Full justification for increasing the intake of MBBS course:*

The (Name of the institute) _____ has applied for increasing the annual intake of MBBS course to 200/250 seats. On careful consideration of the proposal, the Government of _____ has decided to issue an essentiality certificate to the applicant for increasing the annual intake in MBBS course to 200/250 seats.

It is certified that:-

- (a) *It is desirable to increase the annual intake in MBBS course to 200/250 seats in the public interest.*
- (b) *Increasing the annual intake in MBBS course to 200/250 seats by _____ (the name of institution) is feasible.*
- (c) *The institute has _____ number of teaching beds with the standing of _____ years.*
- (d) *The average OPD strength per day is _____.*
- (e) *The average bed occupancy is _____%.*
- (f) *The affiliated teaching hospital is unitary in character.*
- (g) *The number of teaching beds, average OPD strength and average bed occupancy available at _____ (name of institute) is not less than the criteria prescribed under the "Opening of a New or Higher Course of Study or Training (including Postgraduate course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including a Postgraduate Course of Study or Training) Regulation, 2000" as notified in the Gazette of India vide Notification dated 9th December, 2009.*

It is further certified that in case the applicant fails to create infrastructure for the course as per MCI norms and fresh admissions are stopped by the Central Government, the State Government shall take over the responsibility of the students already admitted in the above said course at this college with the permission of the Central Government.

In terms of Gazette Notification dated 03.11.2010, clause 6 as amended vide notification dated 9.12.2009 shall be substituted as under:-

“6. The maximum number of admissions in MBBS course shall not exceed 250 annually provided that the eligibility criteria for fixing upper ceiling of annual intake to 200/250 admissions annually shall be as under:-

(a) For annual intake capacity of 200

- (i) Number of teaching beds not less than 900 with standing of not less than 10 years.*
- (ii) OPD strength per day not less than 2000*
- (iii) Bed occupancy : Average not less than 75%*
- (iv) The hospital must be unitary.*

(b) For annual intake capacity of 250

- (i) Number of teaching beds not less than 1100 with standing of not less than 10 years.*
- (ii) OPD strength per day not less than 3000*
- (iii) Bed occupancy : Average not less than 75%*
- (iv) The hospital must be unitary.*

7. That the medical college/institution provides a bank guarantee in favour of Medical Council of India from a schedule Commercial bank for providing additional infrastructural facilities as follows:-

Bachelor of Medicine	-	upto 25 seats	- Rs.50 lakhs
And bachelor of Surgery (MBBS)	-	upto 50 seats	- Rs.100 lakhs
Postgraduate Diploma per seat	-	Rs.3 lakhs	
Postgraduate Degree per seat	-	Rs.5 lakhs	
Higher Specialities per seat	-	Rs.10 lakhs	

- (1) Medical colleges/ institutions who are governed by the State Government provided that they shall give an undertaking to provide funds in their Plan Budget regularly till facilities are fully provided as per the time bound programme indicated by them;

- (2) Courses in the subjects of Anatomy, Physiology, Biochemistry, Community Medicine/Preventive & Social Medicine, Sport Medicine, Hospital Administration, Health Administration, Marine Medicine, Nutrition, Physical Medicine and Rehabilitation, Aviation Medicine;
- (3) To the Diploma where bank guarantee in respect of the post-graduate degree course has been furnished by an institution in the same subject.
- (4) For specialities where the post-graduate degree is already recognized by the Council and institution now wishes to increase admission capacity in Diploma course in the same subject.

The following shall be added in terms of Gazette Notification dated 12.07.2018

“A Medical College/Medical Institution shall be entitled to seek equal number of postgraduate degree (MD/MS) seats by surrendering recognised Diploma seats in corresponding course. For such purposes the applicant Medical College/Medical Institution shall make an application to the Central Government along with an undertaking for stopping admission. The Central Government shall on receipt of such application issue a notification omitting the name of Diploma in respect of the said Medical College/Medical Institution. The Central Government shall forward the application alongwith omission notification and undertaking to the Council for recommendation. The Council after verifying the documents shall make an appropriate recommendation to the Central Government without any physical verification in normal circumstances. However, Council may, if so require carry out physical verification assessment before making any recommendation to the Central Government. Such recommendation shall be for inclusion of degree course against the increased intake in the First Schedule of IMC Act, 1956. The decision by the Central Government in this regard shall be taken on or before the last date of grant of permission in respect of broad speciality courses for that academic year. Further, the surrendered Diploma seats shall not be included in the seat matrix of the subsequent academic years.”

4. REGISTRATION OF APPLICATION:-

Incomplete application will be returned to the medical college/institution by the Ministry of Health and Family Welfare along with the enclosures and application fee.

Application found complete in all respects will be registered by the Ministry of Health and Family Welfare and forwarded to Council **within 30 days from the date of receiving it all** for evaluation and recommendations. Acceptance of the application will only signify the acceptance of application for evaluation. It will, however, under no circumstances mean approval of the application for grant of permission.

Note: In above clause, “within 30 days from the date of receipt of it” shall be substituted by “as per latest time schedule”

5. PRESCRIBED PERIOD:-

In computing the time limit specified above, the time taken by the authorities and institution submitting the scheme in furnishing any information or clarification or additional documents called for by the Council or by the Central Government shall be excluded.

6. EVALUATION BY MEDICAL COUNCIL OF INDIA:-

The Council shall evaluate the application to accept the desirability and prima facie feasibility for increasing the admission capacity at the existing medical college/institution and the capability of the medical college/institution to provide the necessary resources and infrastructure for the scheme.

While evaluating the application, the Council may seek further information, clarification or additional documents from the applicant as considered necessary and shall carry out a physical inspection to verify the information, clarification or additional documents supplied by the medical college. The dates of receipt of application for increase in admission capacity in postgraduate courses and processing dates are given in the schedule. The dates of receipt of application and processing of applications in respect of increase of seats in MBBS course shall be as per the schedule included in the Establishment of Medical College Regulations, 1999.

7. GRANT OF PERMISSION:-

The Central Government on the recommendations of the Council may issue a Letter of Intent to increase the admission capacity of the courses with such conditions or modifications in the original proposal as may be considered necessary. This Letter of Intent shall include a clear statement of preliminary requirements to be met. The formal permission will be granted after the above conditions and modifications are accepted and the bank guarantee for the required sums are furnished by the medical college/institution after consulting the Council.

**MEDICAL COUNCIL OF INDIA
POSTGRADUATE MEDICAL EDUCATION
REGULATIONS, 2000**



(AMENDED UPTO MAY, 2018)

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(PUBLISHED IN PART III, SECTION 4 OF GAZETTE OF INDIA DATED THE 7TH OCTOBER, 2000)

MEDICAL COUNCIL OF INDIA

NEW DELHI, DATED THE 22ND AUGUST, 2000

No. MCI-18(1)/90-Med./ In exercise of the power conferred by Section 33 read with section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government, hereby makes the following regulations, namely:-

1. SHORT TITLE AND COMMENCEMENT:-

1. These regulations may be called "The Postgraduate Medical Education Regulations 2000.
2. They shall come into force on the date of their publication in the official Gazette.

2. GENERAL CONDITIONS TO BE OBSERVED BY POSTGRADUATE TEACHING INSTITUTIONS:

- I. Postgraduate Medical Education in broad specialities shall be of three years duration in the case of degree course and two years in the case of Diploma course after MBBS and in the case of super specialities the duration shall be of three years after MD/MS with the exceptions wherever indicated.

In the above clause, the words "with the exceptions wherever indicated" are deleted in terms of Notification published on 20.10.2008 in Gazette of India .

- II. Postgraduate curriculum shall be competency based.
- III. Learning in postgraduate programme shall be essentially autonomous and self directed.
- IV. A combination of both formative and summative assessment is vital for the successful completion of the PG programme.
- V. A modular approach to the course curriculum is essential for achieving a systematic exposure to the various sub-specialities concerned with a discipline.

In the above clause the words "various sub-specialties concerned with a discipline" are substituted by "various areas concerned with the discipline" in terms of Notification published on 20.10.2008 in Gazette of India .

The training of PG students shall involve learning experience 'derived from' or 'targeted to' the needs of the community. It shall, therefore, be necessary to expose the students to community based activities.

II. GOALS AND GENERAL OBJECTIVES OF POSTGRADUATE MEDICAL EDUCATION PROGRAMME TO BE OBSERVED BY POSTGRADUATE TEACHING INSTITUTION.

in his own country from which he has obtained his basic medical qualification and that his degree is recognized by the corresponding medical council or concerned authority.

The sentence "as medical practitioner in his own country from which he has obtained his basic medical qualification and that his degree is recognized by the corresponding medical council or concerned authority" has been substituted in terms of Notification published in the Gazette of India on 20.10.2008 .

"with appropriate registering authority in his own country wherefrom he has obtained his Basic Medical qualification, and is duly recognized by the corresponding Medical Council or concerned authority."

(4) The students undergoing postgraduate courses shall be exposed to the following :-

- a. Basics of statistics to understand and critically evaluate published research paper.
- b. Few lectures or other type of exposure to human behaviour studies.
- c. Basic understanding of pharmaco-economics.
- d. Introduction to the non-linear mathematics.

The above sub-Clause 8(4)(b) is substituted in terms of Notification published in the Gazette of India on 20.10.2008 .

(b) 'Exposure to Human Behaviour studies'.

The above sub- clauses 8(4)(c) and 8(4)(d) are deleted in terms of Notification published in the Gazette of India on 20.10.2008.

9. SELECTION OF POSTGRADUATE STUDENTS.

1. Students for Postgraduate medical courses shall be selected strictly on the basis of their academic merit.

The above Clause 9(1) is substituted in terms of Notification published in the Gazette of India on 20.10.2008.

9(1) (a) Students for Post Graduate medical courses shall be selected strictly on the basis of their Inter-se Academic Merit.

b) 50% of the seats in Post Graduate Diploma Courses shall be reserved for Medical Officers in the Government service, who have served for at least three years in remote and difficult areas. After acquiring the PG Diploma, the Medical

Officers shall serve for two more years in remote and/or difficult areas.

In Clause 9(1)(b) after the words “remote and/or difficult areas” and in the proviso to the clause 9(2)(d), the following shall be inserted in terms of Notification published on 16.04.2010.

“As decided by the competent State authorities from time to time.”

2. For determining the academic merit, the university/institution may adopt any one of the following procedures both for degree and diploma courses :-
 - i. On the basis of merit as determined by the competitive test conducted by the State Government or by the competent authority appointed by the State Government or by the university/group of universities in the same state; or
 - ii. On the basis of merit as determined by a centralized competitive test held at the national level; or
 - iii. On the basis of the individual cumulative performance at the first, second and their MBBS examination, if such examination have been passed from the same university; or
 - iv. Combination of (i) and (iii):

Provided that wherever entrance test for Postgraduate admission is held by a State Government or a university or any other authorized examining body, the minimum percentage of marks for eligibility for admission to postgraduate medical courses shall be fifty per cent for candidates belonging to general category and 40 per cent for the candidate belonging to Scheduled Castes, Scheduled Tribes and Other Backward classes.

Provided further that in non-Governmental institutions fifty percent of the total seats shall be filled by the competent authority and the remaining fifty per cent by the management of the institution on the basis of merit.

The above Clause 9 (2) is substituted in terms of Notification published in the Gazette of India on 20.10.2008 .

9(2) For determining the 'Academic Merit', the University/Institution may adopt the following methodology:-

(a) On the basis of merit as determined by a 'Competitive Test' conducted by the state government or by the competent authority appointed by the state government or by the university/group of universities in the same state; or

(b) On the basis of merit as determined by a centralized competitive test held at the national level; or

(c) On the basis of the individual cumulative performance at the first, second and third MBBS examinations provided admissions are University wise. Or

(d) Combination of (a) and (c)

Provided that wherever 'Entrance Test' for postgraduates admission is held by a state government or a university or any other authorized examining body, the minimum percentage of marks for eligibility for admission to postgraduate medical course shall be 50 percent for general category candidates and 40 percent for the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Provided further that in Non-Governmental institutions fifty percent of the total seats shall be filled by the Competent authority notified by the State Government and the remaining fifty percent by the management(s) of the institution on the basis of Inter-se Academic Merit.

The following proviso is added after clause 9(2)(d) in terms of Gazette Notification published on 17.11.2009 .

"Further provided that in determining the merit and the entrance test for postgraduate admission weightage in the marks may be given as an incentive at the rate of 10% of the marks obtained for each year in service in remote or difficult areas upto the maximum of 30% of the marks obtained."

The following is added after the word General Category candidates in the fourth line of first proviso to Clause 9(2) (iv) in terms of Gazette Notification dated 25.3.2009.

"45% for persons with locomotory disability of lower limbs in the same manner as stipulated in Clause 9(1) (a) above."

The following sub clause 9(1)(a) is added after sub-clause 9(1) in terms of Notification published in the Gazette of India on 25.03.2009 .

"1(a). 3% seats of the annual sanctioned intake capacity shall be filled up by candidates with locomotory disability of lower limbs between 50% to 70%.

Provided that in case any seat in this 3% quota remains unfilled on account of unavailability of candidates with

locomotory disability of lower limbs between 50% to 70% then any such unfilled seat in this 3% quota shall be filled up by persons with locomotory disability of lower limbs between 40% to 50% - before they are included in the annual sanctioned seats for General Category candidates.

Provided further that this entire exercise shall be completed by each medical college / institution as per the statutory time schedule for admissions and in no case any admission will be made in the Postgraduate Medical course after 31st of May."

The following sub-clause 9(3) is included after sub-regulation 9(2) in terms of Gazette notification dated 23rd March, 2006 .

"3. (i) The Universities and other authorities concerned shall organize admission process in such a way that teaching in postgraduate courses starts by 2nd May and by 1st August for super speciality courses each year. For this purpose, they shall follow the time schedule indicated in Appendix-III.

The above dates "2nd May and 1st August" shall be substituted by "as per latest time schedule"

(ii) There shall be no admission of students in respect of any academic session beyond 31st May for postgraduate courses and 30th September for super speciality courses under any circumstances. They Universities shall not register any student admitted beyond the said date.

The above dates "31st May and 30th September" shall be substituted by "as per latest time schedule"

(iii) The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956.

The institution which grants admission to any student after the last date specified for the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

The Clause 9 under the heading ‘SELECTION OF POSTGRADUATE STUDENTS’ shall be substituted as under, in terms of Notification dated 21.12.2010:-

“9. Procedure for selection of candidate for Postgraduate courses shall be as follows:

I. There shall be a single eligibility cum entrance examination namely ‘National Eligibility-cum-Entrance Test for admission to Postgraduate Medical Courses’ in each academic year. The overall superintendence, direction and control of National Eligibility-cum-Entrance Test shall vest with Medical Council of India. However, Medical Council of India with the previous approval of the Central Government shall select organization/s to conduct ‘National Eligibility-cum-Entrance Test for admission to Postgraduate courses’.

II. 3% seats of the annual sanctioned intake capacity shall be filled up by candidates with locomotory disability of lower limbs between 50% to 70%.

Provided that in case any seat in this 3% quota remains unfilled on account of unavailability of candidates with locomotory disability of lower limbs between 50% to 70% then any such unfilled seat in this 3% quota shall be filled up by persons with locomotory disability of lower limbs between 40% to 50% - before they are included in the annual sanctioned seats for General Category candidates.

Provided further that this entire exercise shall be completed by each medical college / institution as per the statutory time schedule for admissions.

III. In order to be eligible for admission to any postgraduate course in a particular academic year, it shall be necessary for a candidate to obtain minimum of 50% (Fifty Percent) marks in ‘National Eligibility-cum-Entrance Test for Postgraduate courses’ held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, the minimum percentage marks shall be 40% (Forty Percent) and in respect of candidates as provided in clause 9 (II) above with locomotory disability of lower limbs, the minimum percentage marks shall be 45% (Forty Five Percent) in the National Eligibility-cum-Entrance Test :

Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test held for any academic year for admission to Post Graduate Courses, the Central Government in consultation with Medical Council of India may at its discretion lower the minimum marks required for admission to Post Graduate Course for candidates belonging to respective categories and marks so lowered by the

Central Government shall be applicable for the said academic year only.

- IV. The reservation of seats in medical colleges/institutions for respective categories shall be as per applicable laws prevailing in States/ Union Territories. An all India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to Post Graduate courses from the said merit lists only.
- V. No candidate who has failed to obtain the minimum eligibility marks as prescribed in Sub Clause (II) above shall be admitted to any Postgraduate courses in the said academic year.
- VI. In non-Governmental medical colleges/institutions, 50% (Fifty Percent) of the total seats shall be filled by State Government or the Authority appointed by them, and the remaining 50% (Fifty Percent) of the seats shall be filled by the concerned medical colleges/institutions on the basis of the merit list prepared as per the marks obtained in National Eligibility-cum-Entrance Test."

The Clause 9 subclause III. under the heading 'SELECTION OF POSTGRADUATE STUDENTS, as amended vide notification No. MCI.18(1)/2010-Med/49070 dated 21st December 2010, following shall be substituted as under, in terms of Notification dated 15.02.2012:-

"In order to be eligible for admission to any postgraduate course in a particular academic year, it shall be necessary for a candidate to obtain minimum of marks at 50th percentile in 'National Eligibility-cum-Entrance Test for Postgraduate courses' held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, the minimum marks shall be at 40th percentile. In respect of candidates as provided in clause 9(II) above with locomotory disability of lower limbs, the minimum marks shall be at 45th percentile. The percentile shall be determined on the basis of highest marks secured in the All-India common merit list in 'National Eligibility-cum-Entrance Test for Postgraduate courses.

Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test held for any academic year for admission to Post Graduate Courses, the Central Government in consultation with Medical Council of India may at its discretion lower the minimum marks required for admission to Post Graduate Course for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the said academic year only."

The Clause 9 under the heading 'SELECTION OF POSTGRADUATE STUDENTS, as amended vide notification No. MCI.18(1)/2010-Med/49070 dated 21st December 2010, following shall be added after sub-clause IV which is as under, in terms of Notification dated 15.02.2012:-

"Provided that in determining the merit of candidates who are in service of government/public authority, weightage in the marks may be given by the Government/Competent Authority as an incentive at the rate of 10% of the marks obtained for each year of service in remote

and/or difficult areas upto the maximum of 30% of the marks obtained in National Eligibility-cum-Entrance Test. The remote and difficult areas shall be as defined by State Government/Competent authority from time to time.”

The Clause 9 under the heading ‘SELECTION OF POSTGRADUATE STUDENTS, as amended vide notification No. MCI.18(1)/2010-Med/49070 dated 21st December 2010, following shall be added after sub-clause VI which is as under, in terms of Notification dated 15.02.2012:-

“VII. 50% of the seats in Post Graduate Diploma Courses shall be reserved for Medical Officers in the Government service, who have served for at least three years in remote and/or difficult areas. After acquiring the PG Diploma, the Medical Officers shall serve for two more years in remote and/or difficult areas as defined by State Government/Competent authority from time to time.

VIII. The Universities and other authorities concerned shall organize admission process in such a way that teaching in postgraduate courses starts by 2nd May and by 1st August for super speciality courses each year. For this purpose, they shall follow the time schedule indicated in Appendix-III

The above dates “2nd May and 1st August” shall be substituted by “as per latest time schedule”

IX. There shall be no admission of students in respect of any academic session beyond 31st May for postgraduate courses and 30th September for super speciality courses under any circumstances. They Universities shall not register any student admitted beyond the said date.

The above dates “31st May and 30th September” shall be substituted by “as per latest time schedule”

X. The Medical Council of India may direct, that any student identified as having obtained admission after the last date for closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognized qualification for the purpose of the Indian Medical Council Act, 1956. The institution which grants admission to any student after the last date specified for the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year.”

(The above notification was quashed by the Honble Supreme Court on 18.07.2013 and has been revived on 11.04.2016 by the Hon’ble Supreme Court.)

The above Regulation Clause 9(1 to 11) is substituted in terms of Notification published on 05.04.2018.

Preamble

1. The Parliament of India has amended the Indian Medical Council Act, 1956 by the Indian Medical Council (Amendment) Act 2016. This Amendment Act after receiving the assent to the President has been notified in the Gazette of India on 5th August 2016. The Indian Medical Council (Amendment) Act 2016 has inserted section 10 D and section 33 (mb) to the Indian Medical Council Act, 1956. The said provision provides for a uniform entrance examination to all medical educational institutions at the under graduate level and post graduate level by the “designated authority”. By virtue of this Amendment the Parliament has provided legislative sanctity to the National Eligibility-Cum-Entrance Test [hereinafter “NEET”] included in the Post-Graduate Medical Education Regulations, 1997 by Amendments notified in the Official Gazette on 27th December 2010, 27th February 2012 and 23rd October 2012.
 2. Earlier the provisions relating to NEET were quashed by the Hon’ble Supreme Court vide its judgment dated 18th July 2013 in Christian Medical College Vellore & Ors. (TC (C) No. 98 of 2012 and other 114 connected petitions). However, on a Review Petition preferred by the Medical Council of India and the Union of India, the Hon’ble Supreme Court vide its order dated 11th April 2016 in Review Petition (c) Nos. 2059-2268 of 2013 captioned as Medical Council of India vs. Christian Medical College Vellore & Ors. has revived NEET Regulations. The admission to postgraduate courses for the academic year 2017-18 were conducted on the basis of provisions of the Indian Medical Council (Amendment) Act, 2016 and the NEET Regulations revived by the Hon’ble Supreme Court and in the Terms of the terms of the Indian Medical Council (Amendment) Act, 2016 the National Eligibility-cum-Entrance Test is the uniform entrance examination to all medical educational institutions at the post graduate level and shall continue to be the uniform entrance examination to all medical educational institutions at the post graduate level.
9. **Procedure for selection of candidate for Postgraduate courses shall be as follows:-**
- (1) There shall be a uniform entrance examination to all medical educational institutions at the Postgraduate level namely ‘National Eligibility-cum-Entrance Test’ for admission to postgraduate courses in each academic year and shall be conducted under the overall supervision of the Ministry of Health & Family Welfare, Government of India.
 - (2) The “designated authority” to conduct the ‘National Eligibility-cum-Entrance Test’ shall be the National Board of Examination or any

other body/organization so designated by the Ministry of Health and Family Welfare, Government of India.

- (3) In order to be eligible for admission to Postgraduate Course for an academic year, it shall be necessary for a candidate to obtain minimum of marks at 50th percentile in the 'National Eligibility-Cum-Entrance Test for Postgraduate courses' held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, and Other Backward Classes, the minimum marks shall be at 40th percentile. In respect of candidates with benchmark disabilities specified under the Rights of Persons with Disabilities Act, 2016, the minimum marks shall be at 45th percentile for General Category and 40th percentile for SC/ST/OBC. The percentile shall be determined on the basis of highest marks secured in the All India Common merit list in National Eligibility-cum-Entrance Test for Postgraduate courses.

Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test held for any academic year for admission to Postgraduate Courses, the Central Government in consultation with Medical council of India may at its discretion lower the minimum marks required for admission to Post Graduate Course for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the academic year only.

- (4) The reservation of seats in Medical Colleges/institutions for respective categories shall be as per applicable laws prevailing in States/Union Territories. An all India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to Postgraduate Courses from the said merit lists only.

Provided that in determining the merit of candidates who are in service of government/public authority, weightage in the marks may be given by the Government/Competent Authority as an incentive upto 10% of the marks obtained for each year of service in remote and/or difficult areas or Rural areas upto maximum of 30% of the marks obtained in National Eligibility-cum Entrance Test. The remote and/or difficult areas or Rural areas shall be as notified by State Government/Competent authority from time to time.”.

- (5) 5% seats of annual sanctioned intake capacity shall be filled up by persons with benchmark disabilities in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016, based

on the merit list of National Eligibility-Cum-Entrance Test for admission to Postgraduate Medical Courses.

In order to be eligible for admission to Postgraduate Course for an academic year, it shall be necessary for a candidate to obtain minimum of marks at 50th percentile in the 'National Eligibility-Cum-Entrance Test for Postgraduate courses' held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, and Other Backward Classes, the minimum marks shall be at 40th percentile. In respect of candidates with benchmark disabilities specified under the Rights of Persons with Disabilities Act, 2016, the minimum marks shall be at 45th percentile for General Category and 40th percentile for SC/ST/OBC.

- (6) No candidate who has failed to obtain the minimum eligibility marks as prescribed in Sub-Clause (3) above shall be admitted to any Postgraduate courses in the said academic year.
- (7) In non-Governmental medical colleges/institutions, 50% (Fifty Percent) of the total seats shall be filled by State Government or the Authority appointed by them, and the remaining 50% (Fifty Percent) of the seats shall be filled by the concerned medical colleges/institutions on the basis of the merit list prepared as per the marks obtained in National Eligibility-cum-Entrance Test."
- (8) 50% of the seats in Postgraduate Diploma Courses shall be reserved for Medical Officer in the Government service, who have served for at least three years in remote and /or difficult areas and / or Rural areas. After acquiring the Postgraduate Diploma, the Medical Officers shall serve for two more years in remote and /or difficult areas and / or Rural areas as defined by State Government/Competent authority from time to time.
- (9) The Universities and other authorities concerned shall organize admission process in such a way that teaching in broad speciality postgraduate courses starts by 1st May and for super speciality courses by 1st August each year. For this purpose, they shall follow the time schedule indicated in Appendix-III.
- (10) There shall be no admission of students in respect of any academic session beyond 31st May for postgraduate courses and 31st August for super speciality courses under any circumstances. The Universities shall not register any student admitted beyond the said date.
- (11) No authority / institution shall admit any candidate to any postgraduate medicine course in contravention of the criteria / procedure as laid down by these Regulations and / or in violation of the judgements passed by the Hon'ble Supreme Court in respect of

admissions. Any candidate admitted in contravention / violation of aforesaid shall be discharged by the Council forthwith. The authority / institution which grants admission to any student in contravention / violation of the Regulations and / or the judgements passed by the Hon'ble Supreme Court, shall also be liable to face such action as may be prescribed by the Council, including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year / years."

The following shall be added in terms of Notification published in the Gazette of India on 11.03.2017

9A. Common Counseling

- (1) There shall be a common counseling for admission to all Postgraduate Courses (Diploma/ MD/ MS/ DM/ M.Ch.) in all Medical Educational Institutions on the basis of merit list of the National Eligibility-cum-Entrance Test.***
- (2) The designated authority for counselling for the 50% All India Quota seats of the contributing States shall be conducted by the Directorate General of Health Services. Such counselling as per the existing scheme shall be only for Diploma and MD/MS courses.***

The above Clause 9A(2) shall be substituted in terms of Gazette Notification dated 31.07.2017 as under .

"The Designated Authority for counselling for the 50% All India Quota seats of the contributing States, as per the existing scheme for Diploma and M.D./M.S. courses shall be the Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India. Further, the Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India shall conduct counselling for all postgraduate courses [Diploma, M.D./M.S., D.M./M.Ch.] in Medical Educational Institutions of the Central Government, Universities established by an Act of Parliament and the Deemed Universities. Furthermore, the Directorate General of Health Services shall conduct the counselling for all Superspecialty courses (D.M./M.Ch.) in Medical Educational Institutions of the Central Government, Medical Educational Institutions of the State Government, Deemed Universities, Universities established by an Act of Parliament, Universities established by an Act of State/Union Territory Legislature, Medical Educational Institutions established by Municipal Bodies, Trust, Society, Company or Minority Institutions".

The following Appendix has been included in terms of Notification published in the Gazette of India on 23rd March, 2006 .

APPENDIX
TIME SCHEDULE FOR COMPLETION OF ADMISSION PROCESS
FOR POSTGRADUATE MEDICAL COURSES

<i>Schedule for admission</i>	<i>Postgraduate Courses</i>		<i>Super-Speciality Courses</i>
	<i>All India Quota</i>	<i>State Quota</i>	
<i>Conduct of entrance examination</i>	<i>2nd Sunday of January</i>	<i>Mid-January to End January</i>	<i>May-June</i>
<i>Declaration of result of qualifying examination/ entrance examination</i>	<i>2nd week of February</i>	<i>By 14th Feb.</i>	<i>By 15th June</i>
<i>1st round of counseling/ admissions</i>	<i>1st March to 15th March</i>	<i>To be over by 10th April</i>	<i>To be over by 10th July</i>
<i>Last date for joining the allotted college and course</i>	<i>31st March @@</i>	<i>17th April</i>	<i>17th July</i>
<i>2nd round of counseling for allotment of seats from waiting list</i>	<i>By 7th April</i>	<i>By 24th April</i>	<i>By 24th July</i>
<i>Last date for joining for candidates allotted seats in 2nd round of counseling.</i>	<i>14th April</i>	<i>30th April</i>	<i>31st July</i>
<i>Commencement of academic session</i>	<i>2nd May</i>	<i>2nd May</i>	<i>1st August</i>
<i>Last date upto which students can be admitted against vacancies arising due to any reason from the waiting list</i>	<i>31st May</i>	<i>31st May</i>	<i>30th September</i>

NOTE:- @@ Head of the Colleges should intimate the vacancies existing after the last date for joining the course by the candidate concerned in respect of the All India Quota of seats to the DGHS within seven days and latest by 6th April for postgraduate courses and 23rd July for super-speciality courses.

The above Appendix has been substituted with the following in terms of Notification published in the Gazette of India on 14th January, 2016.

Time Schedule for completion of Admission Process for PG (Broad Specialty) Medical Courses for All India Quota and State Quota.

S.No.	Schedule for Admission	Broad Speciality	
		All India Quota	State Quota
1.	Conduct of Entrance Examination	Month of December	Month of January
2.	Declaration of the result of the Qualifying Exam/Entrance Exam.	By 15 th of January	By 15 th of February
3.	1 st round of counseling/ admission	Between 12 th March to 24 th March	Between 4 th April to 15 th April
4.	Last date for joining/ reporting the allotted college and the course	By 3 rd April	By 22 nd April
5.	2 nd round of counselling/admission for vacancies	Between 23 rd April to 30 th April	Between 11 th May to 20 th May
6.	Last date of joining for the 2 nd round of counselling/admission	By 10 th May	By 27 th May
7.	Commencement of academic session/term	1 st May	1 st May
8.	Last date up to which students can be admitted/joined against vacancies arising due to any reason	-	By 31 st May

- Note:
1. All India Quota Seats remaining vacant after last date for joining, i.e. 10th May will be deemed to be converted into state quote.
 2. Institute/ college/ courses permitted after 28th February will not be considered for admission/ allotment of seats for current academic year.
 3. In any circumstances, last date for admission/ joining will not be extended after 31st May.

Time Schedule for completion of Admission Process for PG (Super specialty) Medical Courses:

S.No.	Schedule for Admission	Super Speciality
1.	Conduct of Entrance Examination	By 10 th July
2.	Declaration of the result of the Qualifying Exam/Entrance Exam.	By 15 th July
3.	1 st round of counselling admission	By 31 st July
4.	Last date for joining the allotted college and the course	Between 1 st to 7 th August
5.	2 nd round of counselling/admission	By 20 th August

6.	Last date of joining for the 2 nd round of counselling/admission	By 27 th August
7.	Commencement of academic session/term	1 st August
8.	Last date up to which students can be admitted/joined against vacancies arising due to any reason	31 st August

- Note:
- 1. Institute/ college/ courses permitted after 31st May will not be considered for admission/ allotment of seats for current academic year.
 - 2. In any circumstances, last date for admission/ joining will not be extended after 31st August.

In the above Appendix the time schedule with regards to Broad Speciality has been substituted with the following in terms of Notification published in the Gazette of India on 20.02.2018 and 05.04.2018.

Admission schedule from the academic year 2018-19 onwards for Postgraduate courses (broad speciality) :-

S. No.	Schedule for Admission	Central Counselling		State Counselling
		All India Quota	Deemed + Central Institute	
1	Conduct of Exam	By 10 th January		
2	Declaration of Result	By end of January		
3	Ist Round of Counselling	12 th March-24 th March,	12 th March - 24 th March	25 th March-5 th April
4	Last date of Joining	3 rd April,	3 rd April	12 th April
5	2 nd round of Counselling	6 th April - 12 April	6 th April - 12 th April	15 th April-26 th April
6	Last date of joining	22 nd April	22 nd April	3 rd May
7	Mop up Round		12 th May-22 nd May	4 th May -8 th May
8	Last date of joining		26 th May	12 th May
9	Forwarding the list of students in order of merit equalling to ten times the number of vacant seats to the Medical Colleges by the Counselling Authority		27 th May	13 th May
10	Last date of joining		31 st May	18 th May

Note:

- 1. All India Quota Seats remaining vacant after last date for joining, i.e 10th May will be deemed to be converted into State Quota.
- 2. Institute/College/Courses permitted after 28th February will not be considered for admission/allotment of seats for current academic year.
- 3. In any circumstances, last date for admission/joining will not be extended after 31st May.
- 4. For the purpose of ensuring faithful obedience to the above time-schedule, Saturday, Sunday or Holidays (except National Holiday) shall be treated as working day.
- 5. The following Matrix shall be applicable with regard to permissibility to students to exercise fresh choice during counseling:-

Round	Free Exit	Exit with forfeiture of fees	Ineligible for further counselling	Amount of registration fee
AIQ I/Deemed	✓			
AIQ II / Deemed		If not joined	If joined	Government – Rs. 25,000 (half for SC/ST/OBC) Deemed – Rs. 2,00,000
State Quota I	✓			
State Quota II		If not joined	If joined	Government – Rs. 25,000 (half for SC/ST/OBC) Private – Rs. 2,00,000
State Quota Mop- Up			✓	
Deemed Mop-Up			✓	

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग III—खण्ड 4
PART III—Section 4

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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भारतीय आयुर्विज्ञान परिषद्

संशोधन अधिसूचना

नई दिल्ली, 12 जुलाई, 2018

सं.भा.आ.प.18(1)/2018—मेडि./122294.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 33 द्वारा प्रदत्त शक्तियों का इस्तेमाल करते हुए, "अध्ययन या प्रशिक्षण का कोई नया या उच्चतर पाठ्यक्रम (अध्ययन या प्रशिक्षण के स्नातकोत्तर पाठ्यक्रम सहित) खोलना और अध्ययन या प्रशिक्षण के किसी पाठ्यक्रम (अध्ययन या प्रशिक्षण के किसी स्नातकोत्तर पाठ्यक्रम सहित) में प्रवेश क्षमता में वृद्धि करना विनियमावली, 2000" में पुनः संशोधन करने हेतु, भारतीय आयुर्विज्ञान परिषद्, केंद्रीय सरकार के पूर्व अनुमोदन से एतद्वारा निम्नलिखित विनियम बनाती है, नामतः—

- (i) ये विनियम "अध्ययन या प्रशिक्षण का कोई नया या उच्चतर पाठ्यक्रम (अध्ययन या प्रशिक्षण के स्नातकोत्तर पाठ्यक्रम सहित) खोलना और अध्ययन या प्रशिक्षण के किसी पाठ्यक्रम (अध्ययन या प्रशिक्षण के किसी स्नातकोत्तर पाठ्यक्रम सहित) में प्रवेश क्षमता में वृद्धि करना (संशोधन) विनियमावली, 2018" कहे जाएंगे।
- (ii) ये सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।
- "अध्ययन या प्रशिक्षण का कोई नया या उच्चतर पाठ्यक्रम (अध्ययन या प्रशिक्षण के स्नातकोत्तर पाठ्यक्रम सहित) खोलना और अध्ययन या प्रशिक्षण के किसी पाठ्यक्रम (अध्ययन या प्रशिक्षण के किसी स्नातकोत्तर पाठ्यक्रम सहित) में प्रवेश क्षमता में वृद्धि करना (संशोधन) विनियमावली 2000" में निम्नलिखित अभिवर्धन/आशोधन/विलोप/प्रतिस्थापन, इसमें दर्शाए गए अनुसार किए जाएंगे—
- "अध्ययन या प्रशिक्षण का कोई नया या उच्चतर पाठ्यक्रम (अध्ययन या प्रशिक्षण के स्नातकोत्तर पाठ्यक्रम सहित) खोलना और अध्ययन या प्रशिक्षण के किसी पाठ्यक्रम (अध्ययन या प्रशिक्षण के किसी स्नातकोत्तर पाठ्यक्रम सहित) में प्रवेश क्षमता में वृद्धि करना (संशोधन) विनियमावली 2000" में वर्तमान मेडिकल कालेजों/संस्थानों में अध्ययन या प्रशिक्षण के किसी पाठ्यक्रम (अध्ययन या प्रशिक्षण के स्नातकोत्तर पाठ्यक्रम सहित) में प्रवेश क्षमता में वृद्धि करने के लिए "अर्हता का मापदण्ड" शीर्षक के अंतर्गत केन्द्र सरकार की अनुमति की योजना के अंतर्गत भाग— II के खंड 3(8) में संशोधन स्वरूप निम्नलिखित जोड़ा जाएगा—

"कोई मेडिकल कालेज/चिकित्सा संस्थान, तदनुरूपी पाठ्यक्रम में मान्यता प्राप्त डिप्लोमा सीटें अभ्यर्पित करके स्नातकोत्तर डिग्री (एमडी/एमएस) की समान संख्या की मांग करने का हकदार होगा। इन उद्देश्यों के लिए आवेदक मेडिकल कालेज/चिकित्सा संस्थान, दाखिला बंद करने के लिए एक वचनपत्र के साथ केन्द्र सरकार को आवेदन करेगा। यह आवेदन पत्र प्राप्त होने पर केन्द्र सरकार एक अधिसूचना जारी करेगी, जिसमें उक्त मेडिकल कालेज/चिकित्सा संस्थान के संबंध में

डिप्लोमा के नाम का विलोप किया जाएगा। केन्द्र सरकार, विलोप की अधिसूचना और वचनपत्र के साथ आवेदन पत्र अनुशंसा हेतु परिषद् को अग्रेषित करेगी। दस्तावेजों का सत्यापन करने के पश्चात् परिषद्, सामान्य परिस्थितियों में किसी वास्तविक सत्यापन के बिना केन्द्र सरकार को समुचित अनुशंसा करेगी। तथापि, परिषद्, केन्द्र सरकार को कोई अनुशंसा करने से पहले वास्तविक सत्यापन मूल्यांकन कर सकती है, यदि वह ऐसा करना आवश्यक समझे। यह अनुशंसा, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की प्रथम अनुसूची में वृद्धि की गई प्रवेश क्षमता के प्रति डिग्री पाठ्यक्रम शामिल किए जाने के लिए होगी। इस संबंध में केन्द्र सरकार द्वारा निर्णय, उस शैक्षिक वर्ष के लिए व्यापक विशेषज्ञता पाठ्यक्रमों के संबंध में अनुमति प्रदान करने की अंतिम तारीख को या इससे पहले लिया जाएगा। इसके अलावा, अभ्यर्पित डिप्लोमा सीटें, उत्तरवर्ती शैक्षिक वर्षों के सीट मैट्रिक्स में शामिल नहीं की जायेगी।”

डॉ. रीना नय्यर. सचिव (प्रभारी)

[विज्ञापन—III/4/असा./143/18]

पाद टिप्पणी : प्रधान नियमावली नामतः “अध्ययन या प्रशिक्षण का कोई नया या उच्चतर पाठ्यक्रम (अध्ययन या प्रशिक्षण के स्नातकोत्तर पाठ्यक्रम सहित) खोलना और अध्ययन या प्रशिक्षण के किसी पाठ्यक्रम (अध्ययन या प्रशिक्षण के किसी स्नातकोत्तर पाठ्यक्रम सहित) में प्रवेश क्षमता में वृद्धि करना विनियमावली, 2000” भारत के गजट के भाग—III, धारा (4) में भारतीय आयुर्विज्ञान परिषद् की दिनांक 14 अगस्त, 2000 की अधिसूचना सं. 34(41)/2000—मेडि. के अंतर्गत दिनांक 07 अक्टूबर को प्रकाशित की गई थी और इसे भारतीय आयुर्विज्ञान परिषद् की दिनांक 22/03/2005, 23/09/2009, 09/12/2009, 29/12/2009, 11/01/2010, 16/04/2010, 03/11/2010, 29/12/2015, 29/04/2016 और 06/07/2017 की अधिसूचना के अंतर्गत संशोधित किया गया था।

MEDICAL COUNCIL OF INDIA

AMENDMENT NOTIFICATION

New Delhi, the 12 July, 2018

No. MCI-18(1)/2018-Med./122294.—In exercise of powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government hereby makes the following regulations to further amend the “**The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000.**” namely:-

1. (i) These regulations may be called the “The Opening of a New or Higher Course of Study or Training (including Post-Graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2018.”.
- (ii) They shall come into force from the date of their publication in the Official Gazette.
2. In the “The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000.”, the following additions / modifications / deletions / substitutions, shall be as indicated therein:-
3. Amendment in clause 3 (8) of Part II under the heading “Qualifying Criteria” i.e. - Scheme for permission of the Central Government to increase the admission capacity in any course of study or training (including postgraduate course of study or training) in the existing medical colleges/institutions of “The Opening of a New or Higher Courses of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulation, 2000” shall be added as under:-

“A Medical College/Medical Institution shall be entitled to seek equal number of postgraduate degree (MD/MS) seats by surrendering recognised Diploma seats in corresponding course. For such purposes the applicant Medical College/Medical Institution shall make an application to the Central Government along with an undertaking for stopping admission. The Central Government shall on receipt of such application issue a notification omitting the name of Diploma in respect of the said Medical College/Medical Institution. The Central Government shall forward the application alongwith omission notification and undertaking to the Council for recommendation. The Council after verifying the documents shall make an appropriate recommendation to the Central Government without any physical verification in normal circumstances.

However, Council may, if so require carry out physical verification assessment before making any recommendation to the Central Government. Such recommendation shall be for inclusion of degree course against the increased intake in the First Schedule of IMC Act, 1956. The decision by the Central Government in this regard shall be taken on or before the last date of grant of permission in respect of broad speciality courses for that academic year. Further, the surrendered Diploma seats shall not be included in the seat matrix of the subsequent academic years.”

DR. REENA NAYYAR, Secy. I/c

[ADVT.-III/4/Exty./143/18]

Footnote : The Principal Regulations namely, “The Opening of a New or Higher Course of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any Course of Study or Training (including a Postgraduate course of Study or Training) Regulations, 2000” were published in Part III, Section 4 of the Gazette of India on 7th October *vide* Medical Council of India Notification No. 34(41)/2000-Med, dated the 14th August, 2000 and amended *vide* Medical Council of India Notification dated 22/03/2005; 23/09/2009; 09/12/2009; 29/12/2009; 11/01/2010; 16/04/2010 , 03/11/2010, 29/12/2015; 29/04/2016 and 06.07.2017

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ANNEXURE P-2

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Ministry of Health & Family Welfare ME-I Section

Date: 18.03.2019

PUBLIC NOTICE

In terms of the Medical Council of India (MCI)'s Amendment Notification No.MCI-18(1)/2018-Med./122294 dated 12.07.2018, the Ministry has restricted recognition of various diploma courses in respect of students admitted upto the academic year 2018-19, of various medical colleges/institution enabling the medical colleges/institutions to seek equal number of PG (MD/MS) seats by surrendering recognized diploma seats in corresponding courses. Accordingly, the Notifications restricting recognition of the diploma courses were issued by the Ministry and forwarded to the Board of Governors-Medical Council of India (BoG-MCI) along with undertaking(s) of the medical colleges/institutions for taking further action as per Notification dated 12.07.2018 issued by MCI.

2. Now, the Board of Governors in Supersession of Medical Council of India (BoG-MCI) has brought to the notice of the Ministry that due to variety of reasons, some diploma courses which were de-notified could not be converted to degree seats by BoG-MCI. As a consequence of non conversion of diploma seats, there will be depletion of PG seats during the counselling for the current academic year 2019-20. In view of the foregoing, the Ministry has considered re-notifying the following diploma seats which were not converted into degree seats in respect of the colleges/courses mentioned against each in the Table below for their inclusion in the counselling for the academic year 2019-20:-

S.No.	College	Govt./Pvt	Courses	Seats
1.	Andhra Medical College, Vishakhapatnam	Govt.	Diploma in Dermatology, Venereology and Leprosy	5
2.	Sri Venkateswra Medical College, Tirupati	Govt.	Diploma in Otorhinolaryngology (DLO)	1
			Diploma in Dermatology, Venereology & Leprosy (DDVL)	1
3.	Guntur Medical College, Guntur	Govt.	Diploma in Radio-Diagnosis (DMRD)	1
			Diploma in Psychological Medicine (DPM)	2
4.	Assam Medical College, Assam	Govt.	Diploma in Obstetrics & Gynaecology (DGO)	4
			Diploma in Anesthesia (DA)	3
			Diploma in Child Health (DCH)	3

(Signature)

(Signature)

			Diploma in Clinical Pathology (DCP)	6
			Diploma in Oto-Rhino-Laryngology (DLO)	2
			Diploma in Psychological Medicine (DPM)	2
5.	Dharbhanga Medical College, Laheriasarai	Govt.	Diploma in Obstetrics & Gynaecology (DGO)	12
			Diploma in Ophthalmology (DO)	6
			Diploma in Oto-Rhino-Laryngology (DLO)	8
			Diploma in Tropical Medicine Health (DTM&H)	12
6.	Patna Medical College, Patna	Govt.	Diploma in Child Health (DCH)	12
			Diploma in Obstetrics & Gynaecology (DGO)	12
			Diploma in Radio-Diagnosis (DMRD)	6
			Diploma in Clinical Pathology (DCP)	8
			Diploma in Orthopaedics (D.Ortho.)	4
			Diploma in Anaesthesia (DA)	8
7.	Pt. J.N.M Medical College, Raipur	Govt.	Diploma in Anaesthesiology (DA)	1
		Govt.	Diploma in Child Health (DCH)	6
		Govt.	Diploma in Clinical Pathology (DCP)	1
		Govt.	Diploma in Obstetrics & Gynaecology (DGO)	1
		Govt.	Diploma in Oto-Rhino-Laryngology (DLO)	1
		Govt.	Diploma in Ophthalmology (DO)	2
		Govt.	Diploma in Radio Diagnosis (DMRD)	3

		Govt.	Diploma Orthopaedics (D.ORTHO)	in	6
8.	Kasturba Hospital, Delhi	Govt.	Diploma in Child Health (DCH)		2
9.	Maulana Azad Medical College, Delhi	Govt.	Diploma in Radio-Diagnosis(DMRD)		1
10.	Shri M.P Shah Govt. Medical College, Jamnagar	Govt.	Diploma in Obstetrics & Gynaecology (DGO)		10
		Govt.	Diploma in Anaesthesia (DA)		3
		Govt.	Diploma in Child Health (DCH)		2
		Govt.	Diploma in Radio Diagnosis (DMRD)		5
		Govt.	Diploma in Tuberculosis & Chest Diseases (DTCD)		1
		Govt.	Diploma in Ophthalmology (DO)		1
11.	B.J. Medical College, Ahmedabad, Gujarat	Govt.	Diploma in Obstetrics & Gynaecology (DGO)		12
			Diploma in Tuberculosis & Chest Diseases (DTCD)		12
			Diploma in Oto-Rhino-Laryngology (DLO)		10
			Diploma in Public Health (DPH)		3
12.	Smt. Nathiba Hargovandas Lakhmichand Municipal Medical College, Ahmedabad, Gujarat	Govt.	Diploma in Psychological Medicine (DPM)		1
			Diploma in Dermatology, Venereology and Leprosy (DDVL)		3
13.	Pt. B. D. Sharma Postgraduate Institute of Medical Sciences, Rohtak	Govt.	Diploma in Anesthesiology(DA)		8
			Diploma in Radio-Diagnosis (DMRD)		3
			Diploma in Obstetrics & Gynaecology (DGO)		3
14.	Indira Gandhi Medical College, Shimla	Govt.	Diploma in Child Health (DCH)		2

15.	Government Medical College, Srinagar	Govt.	Diploma in Ophthalmology (DO)	1
16.	Rajendra Institute of Medical Sciences, Ranchi	Govt.	Diploma in Child Health (DCH)	8
			Diploma in Orthopaedics (D.Ortho)	3
17.	Karnataka Institute of Medical Sciences, Hubli	Govt.	Diploma in Anaesthesia (DA)	6
			Diploma in Oto-Rhino-Laryngology (DLO)	4
			Diploma in Dermatology, Venereology and Leprosy (DDVL)	2
			Diploma in Child Health (DCH)	2
			Diploma in Clinical Pathology (DCP)	12
			Diploma in Obstetrics & Gynaecology (DGO)	8
			Diploma in Orthopaedics (D.Ortho)	8
			Diploma in Ophthalmology (DO)	6
18.	Indira Gandhi Institute of Child Health, Bangalore	Govt.	Diploma in Child Health (DCH))	3
19.	Kasturba Medical College, Manipal	Pvt.	Diploma in Child Health (DCH)	2
			Diploma in Oto-Rhino-Laryngology (DLO)	2
			Diploma in Obstetrics & Gynaecology (DGO)	12
			Diploma in Ophthalmology (DO)	1
			Diploma in Psychological Medicine	6
			Diploma in Radio Diagnosis (DMRD)	2
			Diploma in Dermatology, Venereology and Leprosy (DDVL)	2

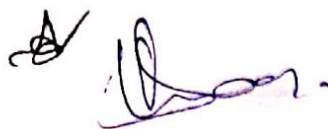
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20.	Vijayanagar Institute of Medical Sciences, Bellary	Govt.	Diploma in Anaesthesia (DA)	4
			Diploma in Clinical Pathology (DCP)	2
21.	JSS Academy of Higher Education & Research, Mysuru	Pvt.	Diploma in Psychological Medicine (DPM)	1
			Diploma in Obstetrics & Gynaecology (DGO)	6
22.	Vydehi Institute of Medical Sciences & Research Centre, Karnataka	Pvt.	Diploma in Child Health (DCH)	2
23.	A.J. Institute of Medical Sciences & Research Centre, Karnataka	Pvt.	Diploma in Tuberculosis & Chest Diseases (DTCD)	1
24.	Mahadevappa Rampure Medical College, Karnataka	Pvt.	Diploma in Clinical Pathology (DCP)	4
25.	Dr. B.R. Ambedkar Medical College, Bangalore, Karnataka	Pvt.	Diploma in Child Health (DCH)	1
26.	Sree Gokulam Medical College & Research Foundation, Kerala	Pvt.	Diploma in Orthopaedics (D.ORTHO)	1
			Diploma in Ophthalmology (DO)	2
			Diploma in Oto-Rhino-Laryngology (DLO)	1
			Diploma in Child Health (DCH)	2
			Diploma in Radio Diagnosis (DMRD)	1
27.	Netaji Subhash Chandra Bose Medical College, Jabalpur	Govt.	Diploma in Obstetrics & Gynaecology (DGO)	10
			Diploma in Child Health (DCH)	8
28.	Gandhi Medical College, Bhopal	Govt.	Diploma in Oto-Rhino-Laryngology (DLO)	2
			Diploma in Orthopaedics (D.ORTHO)	4
29.	Gajra Raja Medical College, Gwalior, Madhya Pradesh	Govt.	Diploma in Oto-Rhino-Laryngology (DLO)	2
30.	Government Medical College, Nagpur, Maharashtra	Govt.	Diploma in Public Health (DPH)	4

31.	Swami Ramanand Teerth Rural Government Medical College, Ambabogai	Govt.	Diploma in Clinical Pathology(DCP)	2
			Diploma in Public Health(DPH)	1
			Diploma in Anesthesiology(DA)	2
			Diploma in Child Health (DCH)	1
			Diploma in Obstetrics & Gynaecology (DGO)	2
			Diploma in Ophthalmology (DO)	1
			Diploma in Otorhinolaryngology (DLO)	1
32.	Indira Gandhi Government Medical College, Nagpur	Govt.	Diploma in Child Health (DCH)	1
			Diploma in Anaesthesia (DA)	2
			Diploma in Otorhinolaryngology (DLO)	1
			Diploma in Obstetrics & Gynaecology (DGO)	1
			Diploma in Ophthalmology (DO)	1
33.	Seth G.S Medical College & King Edward VII Memorial Hospital, Parel, Mumbai	Govt.	Diploma in Ophthalmology (DO)	3
			Diploma in Public Health (DPH)	2
34.	B.J. Medical College, Pune	Govt.	Diploma in Psychological Medicine (DPM)	2
35.	Dr. V.M. Government Medical College, Solapur, Maharashtra	Govt.	Diploma in Child Health (DCH)	1
			Diploma in Obstetrics & Gynaecology (DGO)	1
			Diploma in Oto-Rhino-Laryngology (DLO)	1
			Diploma in Orthopaedics (D.ORTHO)	1
			Diploma in Anaesthesia (DA)	2

			Diploma in Public Health (DPH)	3
			Diploma in Clinical Pathology (DCP)	3
36.	Government Medical College, Latur, Maharashtra	Govt.	Diploma in Oto-Rhino-Laryngology (DLO)	1
37.	Topiwala National Medical College, Mumbai	Govt.	Diploma in Anaesthesia (DA)	9
			Diploma in Dermatology, Venereology and Leprosy (DDVL)	1
			Diploma in Radio-Diagnosis (DMRD)	3
			Diploma in Psychological Medicine (DPM)	4
			Diploma in Forensic Medicine	1
38.	Government Medical College, Aurangabad	Govt.	Diploma in Anaesthesia (DA)	3
			Diploma in Radio-Diagnosis (DMRD)	2
39.	Christian Medical College, Ludhiana	Pvt.	Diploma in Ophthalmology (DOMS)	1
			Diploma in Radio Therapy (DMRT)	1
40.	Dayanand Medical College & Hospital, Ludhiana, Punjab	Pvt.	Diploma in Anaesthesia (DA)	10
			Diploma in Obstetrics & Gynaecology (DGO)	2
			Diploma in Oto-Rhino-Laryngology (DLO)	1
			Diploma in Child Health (DCH)	2
41.	Vinayaka Mission's Medical College & Hospital, Karaikal, Pondicherry	Pvt.	Diploma in Dermatology, Venereology and Leprosy (DDVL)	2
42.	R.N.T Medical College, Udaipur	Govt.	Diploma in Child Health (DCH)	3
			Diploma in Anaesthesiology (DA)	6



			Diploma in Obstetrics & Gynaecology (DGO)	3
43.	SMS Medical College, Jaipur	Govt.	Diploma in preventive & Social Medicine (PSM)	6
44.	Deccan College of Medical Sciences, Hyderabad	Pvt.	Diploma in Psychological Medicine (DPM)	1
45.	Osmania Medical College, Telangana	Govt.	Diploma in Ophthalmology (DO)	1
			Diploma in Tuberculosis & Chest Diseases (DTCD)	2
			Diploma in Public Health (DPH)	2
46.	Gandhi Medical College, Secundrabad	Govt.	Diploma in Child Health (DCH)	4
47.	Kakatiya Medical College, Warangal, Telangana	Govt.	Diploma in Oto-Rhino-Laryngology (DLO)	2
			Diploma in Radio-Diagnosis (DMRD)	1
			Diploma in Public Health (DPH)	1
			Diploma in Ophthalmology (DO)	4
48.	Kamineni Institute of Medical Sciences, Telangana	Pvt.	Diploma in Clinical Pathology (DCP)	2
49.	Santosh Medical College & Hospital, Ghaziabad	Pvt.	Diploma in Clinical Pathology (DCP)	2
			Diploma in Tuberculosis & Chest Diseases (DTCD)	1
			Diploma in Psychological Medicine (DPM)	1
			Diploma in Child Health (DCH)	2
			Diploma in Orthopaedics (D.ORTHO)	2
			Diploma in Ophthalmology (DO)	2
			Diploma in Oto-Rhino-Laryngology (DLO)	2
			Diploma in Obstetrics & Gynaecology (DGO)	2

			Diploma in Anaesthesia (DA)	3
50.	Himalayan Institute of Medical Sciences, Uttarakhand	Pvt.	Diploma in Obstetrics & Gynaecology (DGO)	2
			Diploma in Orthopaedics (D. Ortho)	2
			Diploma in Child Health (DCH)	2
			Diploma in Radio-Diagnosis (DMRD)	3
51.	R G Kar Medical College, Kolkata	Govt.	Diploma in Anaesthesia (DA)	4
52.	Chittaranjan Seva Sadan College of Obs. Gynae & Child Health, Kolkata	Govt.	Diploma in Child Health (DCH)	2
			Diploma in Obstetrics & Gynaecology (DGO)	2
53.	Medical College, Kolkata	Govt.	Diploma in Anaesthesia (DA)	6
			Diploma in Otorhinolaryngology (DLO)	4
			Diploma in Orthopaedics (D.Ortho)	8
54.	Dr. B.C. Roy Post Graduate Institute of Paediatric Sciences, Kolkata	Govt.	Diploma in Child Health (DCH)	4

✓



MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

ANNEXURE P-3

69

MEMORANDUM OF WRIT PETITION
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA
EXTRA ORDINARY CIVIL ORIGINAL JURISDICTION

IN THE HON'BLE HIGH COURT OF JUDICATURE : FOR THE STATE OF
TELANGANA, AT HYDERABAD

W.P.NO.

OF 2020

BETWEEN:

Dr.Pilligundla Bhavana W/o Sri Mandala Dinakar Kiran,
Age: 38 yrs, Occ: Medical Officer, Primary Health Centre, Raikode,
R/o H.no.3-1-66, Subhash Road, Sadasivpet,
Sanga Reddy District, Telangana.
Email – dr.bhavanagoud2010nakshatra@gmail.com

...WRIT PETITIONER

AND

01. Union of India
Rep by its Secretary,
Ministry of Health and Family Welfare,
Government of India. (Email – secyhw@nic.in)
02. Medical Council of India,
Rep by the Board of Governors through its Joint Secretary,
Pocket- 14 , Sector - 8, Dwarka Phase -1,
New Delhi - 110077, INDIA. (Email: mci@bol.net.in)
03. National Board of Education,
Rep by its Joint Director,
Medical Enclave, Ansari Nagar,
Ring Road, New Delhi – 110 029, (Email = mail@natboard.edu.in)
04. State of Telangana,
Rep by the Principal Secretary,
Department of Health, Medical & Family Welfare,
Hyderabad. (Email: prlsecy_hmfw@telangana.gov.in)
05. Kaloji Narayanarao University of Health Sciences,
Rep by its Registrar,
Nizampura, Warangal, Telangana 506007.
(Email - knruhwgl15@gmail.com)

...RESPONDENTS

The address of the writ petitioner for the purpose of service of notices,
etc., is that of her counsel Sri **P.THIRUMALA RAO, ADVOCATE,**
(AP/423/2000) having office at H.no.3-5-97/5, Street no. 5, Narayanguda,
Hyderabad, Telangana.

For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus

- i) declaring the action of the respondents in causing invalidation of Regulation 9(1)(b) and 9(7) of the Post Graduate Medical Education Regulations, 2000 by converting all the Diploma seats into Degree seats and in so doing depriving the petitioner from pursuing her Post Graduation Medical education in DMRD (Diploma in medical radio diagnosis), as illegal, arbitrary, without jurisdiction and in gross violation of principles of natural justice and in gross violation of the petitioner's fundamental right guaranteed under Article 14 of the Constitution of India; and
- ii) further be pleased to declare that the petitioner having served as a Medical Officer in rural/difficult area is entitled to a Diploma/Degree seat on account of the incentive/reservation as provided under Regulation 9(1)(b) and 9(7) of the Post Graduation Medical Education Regulations, 2000 and consequently direct respondents 1, 2, 4 and 5 to provide a seat to the petitioner in Nizam's Institute of Medical Sciences in the branch of DMRD (Diploma in Medical Radio Diagnosis); and
- iii) further be pleased to alternatively declare that the petitioner is entitled to a Diplomat in National Board seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad and consequently direct the 3rd respondent to provide a Diplomat in National Board seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad; and
- iv) further be pleased to pass such other further order or orders as deemed fit and proper in the circumstances of the case.

Date: 22.04.2020

Place: Hyderabad



COUNSEL FOR THE PETITIONER

IN THE HON'BLE HIGH COURT OF JUDICATURE : FOR THE STATE OF
TELANGANA, AT HYDERABAD

W.P.NO.

OF 2020

BETWEEN:

Dr.Pilligundla Bhavana W/o Sri Mandala Dinakar Kiran,
Age: 38 yrs, Occ: Medical Officer, Primary Health Centre, Raikode,
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...WRIT PETITIONER

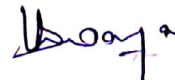
AND

01. Union of India
Rep by its Secretary,
Ministry of Health and Family Welfare,
Government of India. (Email - secyhw@nic.in)
02. Medical Council of India,
Rep by the Board of Governors through its Joint Secretary,
Pocket- 14 , Sector - 8, Dwarka Phase -1,
New Delhi - 110077, INDIA. (Email: mci@bol.net.in)
03. National Board of Education,
Rep by its Joint Director,
Medical Enclave, Ansari Nagar,
Ring Road, New Delhi - 110 029, (Email - mail@natboard.edu.in)
04. State of Telangana,
Rep by the Principal Secretary,
Department of Health, Medical & Family Welfare,
State of Telangana. (Email: prlseccy_hmfw@telangana.gov.in)
05. Kaloji Narayanarao University of Health Sciences,
Rep by its Registrar,
Nizampura, Warangal, Telangana 506007.
(Email - knruhswgl15@gmail.com)

...RESPONDENTS

AFFIDAVIT

I, Dr.Pilligundla Bhavana W/o Sri Mandala Dinakar Kiran, aged about 38 yrs, Occ: Medical Officer, Primary Health Care, Raikode, R/o H.no.3-1-66, Subhash Road, Sadasivpet, Sanga Reddy District, Telangana, do hereby solemnly affirm and state on oath as under:

MEDICAL OFFICER
M.P.H.C. RAIKODE
Sanga Reddy

01. I respectfully submit that I am the deponent herein and the writ petitioner in the above writ petition, as such I am well acquainted with the facts of the case.

02. It is respectfully submitted that the petitioner is aggrieved by the action of the 1st and 2nd respondents in converting all the Post Graduate Diploma seats into corresponding Degree seats and in so doing depriving the petitioner of availing her incentive accrued by virtue of complying with Regulation 9(1)(b) of the Post Graduate Medical Education Regulations, 2000. The petitioner completed her MBBS course in the year 2008 and thereafter she joined as a Civil Assistant Surgeon at the Community Health Centre, Sadasivpet (Rural service from the year 2008 to 2011). Thereafter the petitioner was appointed as Medical Officer in Rural Primary Health Centre, Atmakur Mandal from the year 2011 to 2014. Presently the petitioner is working as Medical Officer at Primary Health Centre, Raikode.

03. The Medical Council of India (MCI) is a statutory body responsible for maintaining highest standards of quality of medical education in India and recognition of various postgraduate and super-speciality courses in medical colleges in India. The Government of India has in recent times appointed Board of Governors committee to run the Medical Council of India. Ever since the Indian Health care crisis spur rapid growth in the number of Medical Post Graduate seats in the country and ever since the powers of the Medical Council of India have been vested in the Board of Governors, several Rules and Regulatory clauses have undergone amendment in a short span of time. Few amendments in POST GRADUATE MEDICAL EDUCATION REGULATIONS, 2000 were brought in for in-service doctors granting incentive marks on the basis of their service in rural, remote and difficult areas for the purpose of determining their merit at the NEETPG exam for admission into PG medical courses. This policy of incentive marks encouraged doctors to serve in those remote areas and has been most effective in bringing about improved medical workforce retention in many such remote tribal and Naxalite areas with a long-standing scarcity of doctors in the country.

04. It is further submitted that the petitioner secured enrollment in rural



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service (permanent appointment) and served in the rural areas for more than 6 years. This was keeping in view the provision of Rule 9(1)(b) and Rule 9(7) of the Post Graduate Medical Education Regulations, 2000. Regulation 9 stipulates that 50% of the seats in Post Graduate Diploma Courses shall be reserved for Medical Officers in the Government Service, who have served for atleast 3 years in remote and difficult areas. The Regulation further stipulates that after acquiring the Post Graduate Diploma, the Medical Officers shall serve for two years in remote and/or difficult areas. Relying upon this incentive, the petitioner enrolled and completed 3 years rural service and continues to serve in the rural/difficult areas and also became eligible for admission to Post Graduate Diploma Courses for the year 2017.

05. It is respectfully submitted the State of Telangana carried out recruitments to the post of Medical Officers in the year 2014, wherein the petitioner was appointed as a Medical Officer to serve in rural/difficult areas. Thereafter the State of Telangana neither notified nor carried out any recruitment to the post of Medical Officers upto the year 2019. Since there were no recruitments for more than 5 years, there are a very small number of in-service candidates, such as the petitioner, who are qualified and eligible in terms of Regulation 9(1)(b) and Regulation 9(7) to seek Post Graduate Diploma seats. Some of them have claimed their seat by virtue of the incentive/reservation during the year 2018 and 2019. The petitioner was blessed with a baby boy on DT: 09.03.2014 and since her child needed priority in terms of care and nourishment, the petitioner could not pursue and prepare for the NEETPG admission in the year 2017. (Birth certificate filed as document). Again on DT:08.01.2017, the petitioner lost both her parents in a tragic road accident which occurred on the Outer Ring Road stretch. (News articles, FIR and Death certificate filed as documents). Since the petitioner lost both her parents, she was totally devastated and was in emotional distress for a long period of time. Therefore she could not garner motivation to prepare and appear for NEETPG 2018, 2019, which are distinctly highly competitive and difficult to qualify.




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Dist. Sangareddy

06. It is respectfully submitted that having served as a Medical Officer and having secured eligibility under Regulation 9, the petitioner got an opportunity to claim her incentive seat in Post Graduate admission for the year 2020 and hence appeared for NEETPG and qualified in the entrance securing a score of 330 marks and acquired 6334 Rank at the State level. The Director General Health Services, Ministry of Health, Government of India determined the cut off marks for eligibility for General Category as 366 Marks, General Category (Physically Handicapped) as 342 Marks and for BC, SC, ST Categories as 319 Marks.

07. The petitioner further submits that Regulation 9(iv) provides weightage in marks to candidates who are in service of Government.

Clause 9 under the heading 'SELECTION OF POSTGRADUATE STUDENTS, as amended vide notification No. MCI.18(1)/2010-Med/49070 dated 21st December 2010, following shall be added after sub-clause IV which is as under, in terms of Notification dated 15.02.2012:-

"Provided that in determining the merit of candidates who are in service of government/public authority, weightage in the marks may be given by the Government/Competent Authority as an incentive at the rate of 10% of the marks obtained for each year of service in remote and/or difficult areas upto the maximum of 30% of the marks obtained in National Eligibility-cum Entrance Test. The remote and difficult areas shall be as defined by State Government/Competent authority from time to time."

(Gazette Notifications filed as documents)

After adding up the marks calculated on account of the incentive, the petitioner would be placed at around Rank 4000 at the State level and with such a Rank the petitioner would comfortably secure a seat in any Government Medical College for her choice of branch/Course i.e. DMRD (Diploma in Medical Radio Diagnosis).




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Dist. Sangareddy

08. In exercise of powers conferred by Section 33 of the Indian Medical Council Act, 1956, the Medical Council of India through Notification in No.MCI-18(1)/2018-Med./122294, DT: 12.07.2018, made regulations to further amend the "The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000." Through the regulations, an amendment was made to clause 3 (8) of Part II under the heading "Qualifying Criteria" wherein it was provided that "A Medical College/Medical Institution shall be entitled to seek equal number of postgraduate degree (MD/MS) seats by surrendering recognised Diploma seats in corresponding course".

09. In terms of the Medical Council of India (MCI)'s Amendment Notification No.MCI-18(1)/2018-Med./122294, DT: 12.07.2018, the Ministry of Health and Family Welfare, Government of India, restricted recognition of various diploma courses in respect of students admitted upto the academic year 2018-19, of various medical colleges/institution enabling the medical colleges/institutions to seek equal number of PG (MD/MS) seats by surrendering recognized diploma seats in corresponding courses. Accordingly, the Notifications restricting recognition of the diploma courses were issued by the Ministry and forwarded to the Board of Governors-Medical Council of India (BoG-MCI) along with undertaking(s) of the medical colleges/institutions for taking further action as per Notification dated 12.07.2018 issued by MCI.

10. During the year 2019, the Medical Council of India's (MCI) Board of Governors (BOG) has approved the conversion of 2,120 postgraduate diploma seats to postgraduate degree seats from the academic year 2019-20. As per the notification issued by the MCI Board of Governors, the permission to convert post graduate diploma seats to degree seats is subject to the affiliation of additional PG degree seats by the concerned authority. The body directed the respective institutes to obtain affiliation from the concerned affiliating university with regard to the enhanced intake capacity




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of the degree courses before admitting students. Each State Government got its respective converted seats. The State of Karnataka has got the highest number of PG degree seats under the conversion. Likewise Telangana got 177 PG Degree seats and Andhra Pradesh got 164 PG Degree seats. There were about 10 DMRD (Diploma in Radio Diagnosis) diploma seats in the State of Telangana, which have been converted into degree seats, depriving the petitioner (and other similarly situated in-service Government Doctors) of all statutory benefits accrued to her by virtue of the Regulations/Notifications/Circulars framed by the Medical Council of India in the matter of Post Graduate admissions.

11. The object of Regulation 9 of the Post Graduate Medical Education Regulations, 2000, particularly Regulation 9(1)(b) and 9(7) was to provide reservation for government doctors in PG Diploma courses. By virtue of the regulation in-service government doctors had a reservation for PG diploma courses. But there is no reservation in PG degree courses. The arbitrary action of respondent 1 & 2 in converting Diploma seats to Degree seats will deny in-service government doctors an opportunity to do a postgraduate course. Such an action is virtually nullifying and invalidating the incentives provided to in-service Government Doctors by virtue of Regulation 9.

12. The petitioner is aggrieved by the Notification No.MCI-18(1)/2018-Med./122294, DT: 12.07.2018, and other consequent notifications issued by the Medical Council of India, whereby it was recommended to the Central Government for conversion of the Post Graduate Diploma Course seats into corresponding degree seats prospectively i.e. from the Academic Session 2019-2020 and 2020-2021. Consequently the State of Telangana acting upon the impugned Notification has gradually converted all the seats in the Post Graduate Diploma courses in Medical education into corresponding degree seats and the 5th respondent University has issued revised schedule giving the date of 28.04.2020 as the date of publication of seat matrix. Aggrieved by the action of the respondents, the petitioner begs to file the present writ petition for the following among other grounds:




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M.P.H.C. RAIKODE
Dist. Sangareddy

GROUNDS

- a) The action of the respondents is illegal, arbitrary and without jurisdiction and hence unsustainable.
- b) The action of the respondents in nullifying and invalidating Regulation 9(1)(b) and 9(7) of the Post Graduate Medical Education Regulations, 2000 by converting all the Diploma seats into Degree seats consequently depriving the petitioner from pursuing her Post Graduation Medical education in DMRD (Diploma in medical radio diagnosis), is grossly arbitrary and irrational.
- c) The action of respondents 1 & 2 in converting all Post Graduate Diploma seats into corresponding Degree seats, is frustrating and defeating the solemn purpose of the enabling/beneficial provision under Clause 9(1)(b) and 9 sub clause (iv) and 9 sub clause (vii) wherein incentives/reservation is bestowed on the in-service Government Doctors by virtue of Gazette Notification No.MCI-18(1)/2010-Med./62052, DT: 15.02.2012. Therefore the action of conversion of seats depriving the petitioner of her chance to pursue her Post Graduate course is illegal and hence unsustainable.
- d) It is submitted that Clause 9 sub-clause (4) and 9 sub-clause (7) were brought through special amendments vide Gazette notification No. MCI.18(1)/2010-Med/49070 dated-21.12.2010 and Gazette Notification No.MCI-18(1)/2010-Med./62052, DT: 15.02.2012. The petitioner submits that statutory Benefits/incentives accrued to the petitioner by virtue of compliance of prescriptions laid down under the proviso. The petitioner humbly submits that such conferred incentives which are accrued substantive rights ought not to be nullified and invalidated by subsequent statutory amendments affecting the scheme by retroactive application.
- e) The action of the respondents in amending Regulation 9 without affording an opportunity to the petitioner of availing her benefits/incentives which are accrued substantive rights and thereby denying and depriving the petitioner of securing Post Graduate admission is in gross violation of principles of natural justice and rule of law and hence unsustainable.



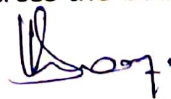
MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

f) It is submitted that the petitioner along with others chose to comply with the statutory prescription under Regulation 9(1)(b) so as to secure incentive in the matter of acquiring Post Graduate Diploma seat. While similarly situated in-service Government Doctors have availed of the incentive and secured a Diploma seat, the petitioner is being deprived in view of the amended Notification retrospectively nullifying and invalidating the substantive right accrued to the petitioner. Therefore the action of the respondents in denying equal entitlement to the petitioner is in gross violation of the petitioner's fundamental right guaranteed under Article 14 of the Constitution of India; and hence unsustainable.

g) The petitioner while serving as a Medical Officer in Rural/difficult areas is constantly engaged in her daily duties as a Medical Officer, deprived of her family care since she is staying far away, and also disadvantaged due to lack of required assistance from near and dear and also dispossessed of the basic necessities of pursuing higher education in Post Graduate courses. While other candidates/aspirants are comfortably placed at their homes with sufficient support and care and are completely in an advantageous situation for pursuing Post Graduate courses of their choice. It is submitted that there is absolutely no level playing field in the matter of acquiring Post Graduate admission to the petitioner, yet the petitioner has qualified in NEETPG 2020 by securing commendable score and Rank. Therefore the action of the respondents in conversion of diploma seats into degree seats is in effect withdrawing of a solemn promise and which is arbitrary and irrational and even the limited benefit conferred on the petitioner in the form of Regulation 9(VII) that is 50% reservation in diploma courses can no longer be availed by her.

And for any other grounds that may be urged at the time of the hearing of the writ petition.

13. It is humbly submitted that there is an absolute dearth of doctors entering Government services since very few MBBS doctors join government service after their graduation. This situation affects the under-privileged, under-served and poorest of poor people across the Country who prefer

MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

Public sector/Government run hospitals or primary health care clinics for their treatment as they are not in a financial position to afford the private hospitals. Hence in order to retain the doctors in government services and continue with them for a longer duration, it is vitally important and absolutely necessitated in the best of public interest for the States to facilitate in-service doctors such as the petitioner in admission to Post Graduate courses. The petitioner submits that the conversion of seats ought to operate prospectively only after the petitioner or any similarly situated doctor have completed the rural service relying upon the incentive, get admission in P.G. Diploma course to which the petitioner became eligible from the year 2017 and is eligible even for the present academic year 2020-2021.

14. It is submitted that MCI amendment notification No.MCI-18(1)/2018-Med./122294 dated 12.07.2018 continues disparities and severely affects the PG aspirants opting for diploma courses in upcoming PG admission counseling. With addition of around 2500 degrees seats MCI granted by this diploma conversion scheme in recent notification, initially de-notified all the diploma seats. But, it was tempted again to re-notify few 500+ diploma seats which couldn't be allowed conversion because colleges lacking adequate resources to run degree or due to procedural inadequacy. There are only a few 500-1000 diploma seats remained as against 2500 degrees for PG admission this year. While, Diploma students are treated as secondary to the MD/MS Degree students. They are also made to serve in remote/difficult/rural areas in the country by way of a bond whereas the MD/MS Degree are only allowed entry in Medical colleges get perks of living in cities. The only current opportunity with limited resources for diploma holders is to pursue post-diploma DNB, which is like fighting a battle more than once to win it! One has to reappear the same entrance exam and even after managing to obtain a DNB degree, its the equivalence with MD/MS is already in doubt. So, it costs whole youth spending many years in medical studies and long era of full hours of residency with break periods for PG preparations and bond service. If candidates had known that MCI was going to abolish diploma, no one would have gone for Diploma; rather everyone would have chosen any other degree.

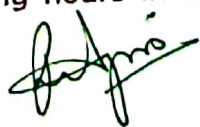



MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

15. Meanwhile, stating that they are being made to pursue a course that is outdated and has been scrapped by the Medical Council of India, the ongoing PG Diploma Students across government and private medical colleges in the country are now demanding justice from the authorities asking them to convert their courses to 3 year medical PG ones (MD/MS courses) and listed out reasons to justify their demand, which are as under:

- i. They are deprived of the opportunity to continue their existing courses into MD/MS, ending up in a limited avenue of career progression lifelong.
- ii. Abolition of Diploma courses during their study period seriously damages brand equity of the course and demoralises the students.
- iii. Both students of degree and diploma are equal in terms of curriculum, training at same college and MCI requirements of infrastructure and clinical facilities, pay same fees; with the only difference lying in the duration of one additional year in MD/MS degree dedicated to THESIS.
- iv. Students if reappear NEETPG degree will make them slog for 3 years whereas up-gradation of the existing diploma courses into degree course will make specialist available within 1 year.
- v. Recently, MCI has also changed the qualification criteria (MCI amendment notification No. MCI-12(1)/2017-Med.Misc./115698 dated 05.06.2017) for different positions and promotions namely, faculty and senior resident, denying an important opportunity to the petitioners which has impaired their future prospects as qualified doctors.

16. It is humbly submitted that considering the pragmatic realities on the ground relating to health care, especially a large section of the Indian population under-privileged and unattended, perceptibly the country today has more need for committed doctors who are on hand to respond to a crisis situation. During the present COVID-19 Pandemic times only in-service Government doctors are working and proving that their services are invaluable. Private Doctors and Private institutions have shut their place of businesses and have been safely staying at their respective residences protecting themselves. While the in-service Government Doctors are working extending hours in an war-like environment posing inherent risk to their

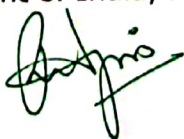



MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

lives as well as lives of their loved ones. It is submitted that beneficial provisions providing incentives to in-service Government Doctors is actually helping the Governments to deal with this Pandemic effectively with the help of the in-service Government Doctors. It is submitted that the academic merit of the candidate must also reckon the services rendered for the common or public good.

17. It is respectfully submitted that the National Board of Examinations i.e. respondent was established in 1975 with the prime objective of improving the quality of the Medical Education by elevating the level and establishing standards of post graduate examinations in modern medicine on an all India basis. There are more than 149 recognized Medical Colleges in the country. In addition to Postgraduate teaching institutions under MCI, there are 450 accredited institutions imparting training in various Broad and Super Specialties for the award of postgraduate qualification in Broad and Super Specialties. The Board at present conducts postgraduate and postdoctoral examinations in 54 disciplines approved by the Board for the award of Diplomate of National Board. Earlier National Board of Examinations conducted its own common entrance test called as the DNB-CET. Presently DNB-CET has been scrapped and admissions in Post MBBS are being carried out through NEETPG scores.

18. The Nomenclature of the degree awarded by the National Board of Examinations is called the "Diplomate of National Board". The Diplomate qualifications awarded by the National Board of Examinations have been equated with the Postgraduate and Post Doctorate Degrees awarded by other Indian Universities by the Government of India, Ministry of Health and Family Welfare; vide their notifications issued from time to time. The holders of Board's qualification awarded after an examination (DNB Final) are eligible to be considered for Specialists post in any Hospital including training/teaching institution. (Gazette Notification dated 20/02/2009 vide proceedings No.V.11025/12/2004-MEP-(I), issued in this regard by Government of India, Ministry of Health & Family Welfare). The petitioner




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Dist. Sangareddy

humbly submits that alternatively the respondents ought to consider providing a DNB seat in Radio Diagnosis to the petitioner in order for her to pursue her Post Graduate Course.

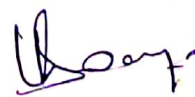
19. During the year 2019, the Board of Governors in Supersession of Medical Council of India (BoGMCI) has brought to the notice of the Ministry that due to variety of reasons, some diploma courses which were de-notified could not be converted to degree seats by BoG-MCI. As a consequence of non conversion of diploma seats, it was found that there will be depletion of PG seats during the counseling for the academic year 2019-20. In view of the same, the Ministry considered re-notifying the diploma seats which were not converted into degree seats in respect of the colleges/courses for their inclusion in the counseling for the academic year 2019-20. The Denotified seats were taken up in the second round as per the rules and regulations of MCI and Hon'ble Court directions in All India PG Counselling-2019. The petitioner has demonstrated that the petitioner is entitled to a seat and that there are sufficient options for the respondents to accommodate the petitioner and provide her with a Post Graduate Degree seat in Radiology in the current Post Graduate admission.

20. It is respectfully submitted that the petitioner has no other alternative efficacious remedy except to approach this Hon'ble Court under the extraordinary civil original jurisdiction under Article 226 of the Constitution of India. The petitioner has not filed any other writ or other proceedings seeking the same relief as prayed hereunder.

PRAYER:

It is therefore prayed that the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus

- i) declaring the action of the respondents in causing invalidation of Regulation 9(1)((b) and 9(7) of the Post Graduate Medical Education Regulations, 2000 by converting all the Diploma seats into Degree seats and

MEDICAL OFFICER
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Dist. Sangareddy

in so doing depriving the petitioner from pursuing her Post Graduation Medical education in Radiology as illegal, arbitrary, without jurisdiction and in gross violation of principles of natural justice and in gross violation of the petitioner's fundamental right guaranteed under Article 14 of the Constitution of India; and

ii) further be pleased to declare that the petitioner having served as a Medical Officer in rural/difficult area is entitled to a Diploma/Degree seat on account of the incentive/reservation as provided under Regulation 9(1)(b) and 9(7) of the Post Graduation Medical Education Regulations, 2000 and consequently direct respondents 1, 2, 4 and 5 to provide a seat to the petitioner in Nizam's Institute of Medical Sciences in the branch of DMRD (Diploma in Medical Radio Diagnosis); and

iii) further be pleased to alternatively declare that the petitioner is entitled to a Diplomate in National Board seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad and consequently direct the 3rd respondent to provide a Diplomate in National Board seat (Radio Diagnosis) in Indo American Cancer Institute, Hyderabad; and

iv) further be pleased to pass such other further order or orders as deemed fit and proper in the circumstances of the case.



Dr. RESHMA ANJUM
M.B.B.S.
ASSISTANT SURGEON,
CIVIL H.C. KONDAPUR.
Reg. No: 90865

Sworn and signed before me on
this the 22nd day of April, 2020



DEPONENT

MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

VERIFICATION

I, Dr. Pilligundla Bhavana W/o Sri Mandala Dinakar Kiran, aged about 38 yrs, Occ: Medical Officer, Primary Health Centre, Raikode, R/o H.no.3-1-66, Subhash Road, Sadasivpet, Sanga Reddy District, Telangana, do hereby solemnly affirm and state on oath that what all is stated in para 1 to 20 of the above writ petition is true and correct to the best of my knowledge and information. I further declare that the material documents filed in support of my case are true and genuine.



WRIT PETITIONER
MEDICAL OFFICER
M.P.H.C. RAIKODE
Dist. Sangareddy

MEMORANDUM OF MISCELLANEOUS PETITION
UNDER SECTION 151 OF C.P.C.

IN THE HON'BLE HIGH COURT OF JUDICATURE : FOR THE STATE OF
TELANGANA, AT HYDERABAD

I.A.NO. OF 2020

IN

W.P.NO. OF 2020

BETWEEN:

Dr.Pilligundla Bhavana W/o Sri Mandala Dinakar Kiran,
Age: 38 yrs, Occ: Medical Officer, Primary Health Centre, Raikode,
R/o H.no.3-1-66, Subhash Road, Sadasivpet,
Sanga Reddy District, Telangana.
Email – dr.bhavanagoud2010nakshatra@gmail.com ...WRIT PETITIONER

AND

01. Union of India
Rep by its Secretary,
Ministry of Health and Family Welfare,
Government of India. (Email – secyhfw@nic.in)
02. Medical Council of India,
Rep by the Board of Governors through its Joint Secretary,
Pocket- 14 , Sector - 8, Dwarka Phase -1,
New Delhi - 110077, INDIA. (Email: mci@bol.net.in)
03. National Board of Education,
Rep by its Joint Director,
Medical Enclave, Ansari Nagar,
Ring Road, New Delhi – 110 029, (Email – mail@natboard.edu.in)
04. State of Telangana,
Rep by the Principal Secretary,
Department of Health, Medical & Family Welfare,
Hyderabad. (Email: prlsecy_hmfw@telangana.gov.in)
05. Kaloji Narayanarao University of Health Sciences,
Rep by its Registrar,
Nizampura, Warangal, Telangana 506007.
(Email - knruhswgl15@gmail.com) ...RESPONDENTS

Pending further orders in the above writ petition, the Hon'ble Court may be pleased to direct 5th respondent to allow the petitioner to participate in the ongoing NEETPG counseling and accordingly reserve a Post Graduate Diploma/Degree seat in Nizam's Institute of Medical Sciences in the branch of Radiology and further be pleased to pass such other further order or orders as deemed fit and proper in the circumstances of the case.

Date: 22.04.2020

Place: Hyderabad



COUNSEL FOR THE PETITIONER

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2020

IN

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

APPLICATION FOR PERMISSION TO FILE

ADDITIONAL DOCUMENTS

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF THE

HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE

PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHOWETH

1. That the Petitioners are filing the present SLP against the Impugned Interim Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020, wherein the Hon'ble High Court has erroneously directed suspension of surrender of seats in post graduate diploma courses by the medical

colleges in Telangana. As a result of the Impugned Order, the SLP Petitioner colleges are not being able to fill such seats through counselling, resulting in wastage of 18 post graduation seats in medical colleges in Telangana for the academic year 2020-21.

2. That the contents of the SLP may kindly be read as part and parcel for the present application and have not been repeated herein for the sake of brevity.
3. That the Petitioners could not file the additional documents stated herein before the Hon'ble High Court of Telangana at Hyderabad, as the Petitioners were not parties to the writ petition, and were impleaded by the Hon'ble High Court on its own volition by way of the Impugned Order. As such, the Petitioners have never had an opportunity to represent themselves before the Hon'ble High Court in the said writ petition, with the relevant documents.
4. In view of the aforesaid, the Petitioners humbly pray that this Hon'ble Court may be pleased to allow the Petitioners to file the following additional documents, which are relevant and germane to the Petitioners' case before this Hon'ble Court:-
 - a) **Annexure P-4** – Copy of communication dated 27.02.2020 from the Board of Governors in supersession of the Medical Council of India recommending conversion of postgraduate diploma course seats into corresponding degree seats for the academic year 2020-21.
 - b) **Annexure P-5** – Copy of the communication dated 18.03.2020 from Ministry of Health and Family Welfare

approving conversion of postgraduate diploma seats into corresponding degree seats for the academic session 2020-21.

- c) **Annexure P-6** - Copy of the order dated 05.05.2020 passed by the Hon'ble High Court of Judicature for Telangana at Hyderabad in Writ Petition No. 6624 of 2020.
- d) **Annexure P-7** - Copy of notification dated 09.05.2020 passed by the KNR University of Health Sciences in obedience of the Impugned Order.

- 5. That the Petitioners humbly pray that the Petitioners may kindly be permitted to file the above documents on record. The Petitioners will suffer irreparable loss and injury in case the prayer of the Petitioners is not granted. Balance of convenience lies in favour of the Petitioners and in the interest of justice, the prayer of the Petitioners may be granted.
- 6. The Petitioners are filing the present application bonafide and in the interest of justice.

PRAYER

In view of the aforesaid, it is respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Permit the Petitioners to file additional documents in the present Special Leave Petition as Annexure P-4, Annexure P-5, Annexure P-6 and Annexure P-7; and

- (b) Pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and thereby render justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS
IN DUTY BOUND SHALL EVER PRAY.

FILED BY:



SIDDHANT BUXY

ADVOCATE FOR THE PETITIONERS

ADR CODE: 2903

FILED ON: 12.05.2020

PLACE: NEW DELHI

ANNEXURE P-4

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दूरभाष/Phone : 25367033, 25367035, 25367036

फैक्स /Fax : 0091-11-25367024

ई-मेल /E-mail : mcii@bol.net.in

वेबसाईट /Website : www.mciindia.org



पॉकेट -14, सेक्टर-8, द्वारका,
फेस-1, नई दिल्ली-110077
Pocket- 14, Sector- 8, Dwarka,
Phase - 1, New Delhi-110077

भारतीय आयुर्विज्ञान परिषद के अधिक्रमण में शासी बोर्ड

BOARD OF GOVERNORS

IN SUPERSESION OF MEDICAL COUNCIL OF INDIA

No.MCI-23(1)(Conversion)/2019-Med./ 195412

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



Subject: Conversion of Diploma Seats into corresponding Degree Seats - reg.

Sir,

This is to inform that the Board of Governors considered the matter with regard to conversion of Diploma Seats into corresponding Degree seats from the academic year 2020-21 along with the request of the institute received through Central Govt. after notification dated 12/07/2018 as well as the recommendations of the PG Expert Group (BoG) on the basis of information furnished by the institute(s) as desired by the Council and decided to recommend to the Central Government for conversion of the postgraduate diploma course seats into corresponding degree seats prospectively i.e. from the academic session 2020-2021. (As per the list attached)

The permission to convert postgraduate diploma seat(s) to degree seats is subject to affiliation of additional PG degree seats by the concerned University.

The Institutes are required to obtain the affiliation from the concerned affiliating University with regard to above enhanced intake capacity of the degree courses before admitting the students.

In view of above, you are requested to issue Notification/ letter recognizing the above mentioned degree seats for the purpose of inclusion in the first schedule of the IMC Act, 1956 as is done in respect of recognition cases against increase of degree seats.

The Ministry is further requested that while issuing the Notification/ letter of recognition as stated above, it may be clearly stated that the said recognition was granted to degree seats created by way of surrender and conversion of diploma seats, so that the confusion as regard to timeline of recognition of degree seats is avoided.

Yours faithfully,

(Dr. Rakesh Kumar Vats)
Secretary General

S.No	State	Institute Name	Govt. / Pvt.	Course Applied	Seat Conv	Degree Seat Incr.
1	Andhra Pradesh	Dr. P.S.I. Medical College , Chinoutpalli	Pvt.	Diploma in Oto-Rhino-Laryngology	1	4 to 5
2	Andhra Pradesh	Kurnool Medical College, Kurnool	Govt.	Diploma in Child Health	3	8 to 11
3	Andhra Pradesh	Kurnool Medical College, Kurnool	Govt.	Diploma in Anesthesia	5	7 to 12
4	Andhra Pradesh	Kurnool Medical College, Kurnool	Govt.	Diploma in Radio-Diagnosis	1	6 to 7
5	Andhra Pradesh	Kurnool Medical College, Kurnool	Govt.	Diploma in Obstetrics & Gynaecology	5	7 to 12
6	Andhra Pradesh	Kurnool Medical College, Kurnool	Govt.	Diploma in Public Health	1	3 to 4
7	Assam	Assam Medial College, Dibrugarh	Govt.	Diploma in Obstetrics & Gynaecology	4	9 to 13
8	Assam	Assam Medial College, Dibrugarh	Govt.	Diploma in Clinical Pathology	6	7 to 13
9	Assam	Assam Medial College, Dibrugarh	Govt.	Diploma in Anesthesia	3	16 to 19
10	Assam	Assam Medial College, Dibrugarh	Govt.	Diploma in Oto-Rhino-Laryngology	2	3 to 5
11	Assam	Assam Medial College, Dibrugarh	Govt.	Diploma in Psychological Medicine	2	6 to 8
12	Assam	Gauhati Medical College, Guwahati	Govt.	Diploma in Clinical Pathology	4	7 to 11
13	Assam	Gauhati Medical College, Guwahati	Govt.	Diploma in Child Health	4	5 to 9
14	Assam	Gauhati Medical College, Guwahati	Govt.	Diploma in Anesthesia	5	10 to 15
15	Assam	Gauhati Medical College, Guwahati	Govt.	Diploma in Ophthalmology	4	7 to 11
16	Bihar	Darbhanga Medical College, Lehriasarai	Govt.	Diploma in Obstetrics & Gynaecology	8	12 to 20
17	Bihar	Darbhanga Medical College, Lehriasarai	Govt.	Diploma in Clinical Pathology	2	8 to 10
18	Bihar	Mata Gujri Memorial Medical College, Kishanganj	Pvt.	Diploma in Ophthalmology	3	6 to 9
19	Bihar	Patna Medical College, Patna	Govt.	Diploma in Child Health	9	12 to 21
20	Bihar	Patna Medical College, Patna	Govt.	Diploma in Obstetrics & Gynaecology	6	13 to 19
21	Bihar	Patna Medical College, Patna	Govt.	Diploma in Orthopaedics	4	6 to 10
22	Bihar	Patna Medical College, Patna	Govt.	Diploma in Ophthalmology	2	9 to 11
23	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Child Health	2	9 to 11
24	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Clinical Pathology	1	10 to 11
25	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Obstetrics & Gynaecology	1	11 to 12
26	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Oto-Rhino-Laryngology	1	2 to 3
27	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Ophthalmology	2	6 to 8

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28	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Radio-Diagnosis	3	9 to 12
29	Chattisgarh	Pt. J N M Medical College, Raipur	Govt.	Diploma in Anesthesia	1	9 to 10
30	Goa	Goa Medical College, Panaji	Govt.	Diploma in Public Health	2	5 to 7
31	Goa	Goa Medical College, Panaji	Govt.	Diploma in Psychological Medicine	2	6 to 8
32	Goa	Goa Medical College, Panaji	Govt.	Diploma in Dermatology, Venereology and Leprosy	2	3 to 5
33	Goa	Goa Medical College, Panaji	Govt.	Diploma in Anesthesia	4	6 to 10
34	Goa	Goa Medical College, Panaji	Govt.	Diploma in Obstetrics & Gynaecology	1	5 to 6
35	Goa	Goa Medical College, Panaji	Govt.	Diploma in Radio-Diagnosis	4	2 to 6
36	Goa	Goa Medical College, Panaji	Govt.	Diploma in Child Health	4	3 to 7
37	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Anesthesia	6	9 to 15
38	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Radio-Diagnosis	1	4 to 5
39	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Tuberculosis & Chest Diseases	1	4 to 5
40	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Child Health	2	6 to 8
41	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Orthopaedics	2	2 to 4
42	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Dermatology, Venereology and Leprosy	1	2 to 3
43	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Oto-Rhino-Laryngology	1	3 to 4
44	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Obstetrics & Gynaecology	2	2 to 4
45	Gujarat	Pramukhswami Medical College, Karamsad	Pvt.	Diploma in Ophthalmology	1	2 to 3
46	Gujarat	B J Medical College, Ahmedabad	Govt.	Diploma in Tuberculosis & Chest Diseases	6	4 to 10
47	Gujarat	CU Shah Medical College, Surendra Nagar	Pvt.	Diploma in Dermatology, Venereology and Leprosy	1	1 to 2
48	Gujarat	CU Shah Medical College, Surendra Nagar	Pvt.	Diploma in Radio-Diagnosis	3	6 to 9
49	Gujarat	Medical College, Baroda	Govt.	Diploma in Tuberculosis & Chest Diseases	2	3 to 5
50	Gujarat	Surat Municipal Institute of Medical Education & Research, Surat	Govt.	Diploma in Obstetrics & Gynaecology	1	7 to 8
51	Haryana	Pt. B D Sharma Postgraduate Institute of Medical Sciences, Rohtak (Haryana)	Govt.	Diploma in Anesthesia	8	36 to 44
52	Haryana	Pt. B D Sharma Postgraduate Institute of Medical Sciences, Rohtak (Haryana)	Govt.	Diploma in Radio-Diagnosis	3	12 to 15
53	Haryana	Pt. B D Sharma Postgraduate Institute of Medical Sciences, Rohtak (Haryana)	Govt.	Diploma in Obstetrics & Gynaecology	3	17 to 20

54	Jharkhand	Central Institute of Psychiatry, Ranchi	Govt.	Diploma in Psychological Medicine	18	9 to 27
55	Jharkhand	Rajendra Institute of Medical Sciences, Ranchi	Govt.	Diploma in Radio-Diagnosis	3	4 to 7
56	Jharkhand	Rajendra Institute of Medical Sciences, Ranchi	Govt.	Diploma in Obstetrics & Gynaecology	6	9 to 15
57	Karnataka	A J Institute of Medical Sciences & Research Centre, Mangaluru	Pvt.	Diploma in Child Health	2	6 to 8
58	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Clinical Pathology	4	2 to 6
59	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Anesthesia	4	5 to 9
60	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Orthopaedics	1	8 to 9
61	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Oto-Rhino-Laryngology	1	3 to 4
62	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Dermatology, Venereology and Leprosy	1	2 to 3
63	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Child Health	2	4 to 6
64	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Obstetrics & Gynaecology	3	6 to 9
65	Karnataka	Adichunchanagiri Institute of Medical Sciences Bellur	Pvt.	Diploma in Radio-Diagnosis	2	2 to 4
66	Karnataka	Dr BR Ambedkar Medical College, Bangalore	Pvt.	Diploma in Child Health	1	4 to 5
67	Karnataka	Father Mullers Medical College, Mangalore	Pvt.	Diploma in Obstetrics & Gynaecology	1	5 to 6
68	Karnataka	Father Mullers Medical College, Mangalore	Pvt.	Diploma in Oto-Rhino-Laryngology	1	2 to 3
69	Karnataka	Father Mullers Medical College, Mangalore	Pvt.	Diploma in Dermatology, Venereology and Leprosy	2	5 to 7
70	Karnataka	Father Mullers Medical College, Mangalore	Pvt.	Diploma in Child Health	2	7 to 9
71	Karnataka	Indira Gandhi Institute of Child Health, Bangalore	Govt.	Diploma in Child Health	3	19 to 22
72	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Anesthesia	6	9 to 15
73	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Oto-Rhino-Laryngology	4	5 to 9
74	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Dermatology, Venereology and Leprosy	2	2 to 4
75	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Child Health	2	9 to 11
76	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Clinical Pathology	12	9 to 21
77	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Obstetrics & Gynaecology	8	8 to 16
78	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Orthopaedics	8	6 to 14
79	Karnataka	Karnataka Institute of Medical Sciences, Hubballi	Govt.	Diploma in Ophthalmology	5	4 to 9
80	Karnataka	Kasturba Medical College, Mangalore	Pvt.	Diploma in Anesthesia	5	10 to 15
81	Karnataka	Kasturba Medical College, Mangalore	Pvt.	Diploma in Oto-Rhino-Laryngology	1	4 to 5
82	Karnataka	Kasturba Medical College, Manipal	Pvt.	Diploma in Child Health	1	17 to 18

83	Karnataka	Kasturba Medical College, Manipal	Pvt.	Diploma in Psychological Medicine	6	3 to 9
84	Karnataka	Kasturba Medical College, Manipal	Pvt.	Diploma in Obstetrics & Gynaecology	12	9 to 21
85	Karnataka	Kasturba Medical College, Manipal	Pvt.	Diploma in Radio-Diagnosis	2	6 to 8
86	Karnataka	Mahadevappa Rampure Medical College, Kalaburagi	Pvt.	Diploma in Orthopaedics	1	8 to 9
87	Karnataka	Vijaynagar Institute of Medical Sciences, Bellary	Govt.	Diploma in Anesthesia	4	10 to 14
88	Karnataka	Vijaynagar Institute of Medical Sciences, Bellary	Govt.	Diploma in Clinical Pathology	2	2 to 4
89	Karnataka	Vydehi Institute Of Medical Sciences & Research Centre, Bangalore	Pvt.	Diploma in Child Health	2	8 to 10
90	Kerala	T D Medical College, Alleppey (Allappuzha)	Govt.	Diploma in Anesthesia	2	2 to 4
91	Kerala	T D Medical College, Alleppey (Allappuzha)	Govt.	Diploma in Child Health	2	7 to 9
92	Kerala	T D Medical College, Alleppey (Allappuzha)	Govt.	Diploma in Oto-Rhino-Laryngology	2	2 to 4
93	Kerala	T D Medical College, Alleppey (Allappuzha)	Govt.	Diploma in Ophthalmology	2	1 to 3
94	Kerala	T D Medical College, Alleppey (Allappuzha)	Govt.	Diploma in Orthopaedics	2	1 to 3
95	Kerala	Government Medical College, Kottayam	Govt.	Diploma in Child Health	3	7 to 10
96	Kerala	Government Medical College, Kottayam	Govt.	Diploma in Oto-Rhino-Laryngology	2	4 to 6
97	Kerala	Government Medical College, Kottayam	Govt.	Diploma in Ophthalmology	4	2 to 6
98	Kerala	Government Medical College, Kottayam	Govt.	Diploma in Obstetrics & Gynaecology	5	6 to 11
99	Kerala	Government Medical College, Kottayam	Govt.	Diploma in Orthopaedics	6	3 to 9
100	Kerala	Government Medical College, Kottayam	Govt.	Diploma in Anesthesia	2	5 to 7
101	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Anesthesia	6	19 to 25
102	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Child Health	12	8 to 20
103	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Clinical Pathology	6	5 to 11
104	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Obstetrics & Gynaecology	12	12 to 24
105	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Oto-Rhino-Laryngology	3	3 to 6
106	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Radio-Diagnosis	2	9 to 11
107	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Orthopaedics	3	9 to 12

108	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Physical Medicine & Rehabilitation	3	3 to 6
109	Kerala	Government Medical College, Kozhikode, Calicut	Govt.	Diploma in Tuberculosis & Chest Diseases	3	4 to 7
110	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Anesthesia	2	10 to 12
111	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Public Health	1	6 to 7
112	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Child Health	3	21 to 24
113	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Clinical Pathology	3	9 to 12
114	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Psychological Medicine	1	11 to 12
115	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Tuberculosis & Chest Diseases	3	6 to 9
116	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Radio-Diagnosis	2	7 to 9
117	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Obstetrics & Gynaecology	3	27 to 30
118	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Ophthalmology	3	9 to 12
119	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Orthopaedics	4	14 to 18
120	Kerala	Medical College, Thiruvananthapuram	Govt.	Diploma in Oto-Rhino-Laryngology	2	5 to 7
121	Kerala	Sree Gokulam Medical College Trust & Research Foundation, Trivandrum	Pvt.	Diploma in Orthopaedics	1	1 to 2
122	Kerala	Sree Gokulam Medical College Trust & Research Foundation, Trivandrum	Pvt.	Diploma in Ophthalmology	2	1 to 3
123	Kerala	Sree Gokulam Medical College Trust & Research Foundation, Trivandrum	Pvt.	Diploma in Oto-Rhino-Laryngology	1	2 to 3
124	Kerala	Sree Gokulam Medical College Trust & Research Foundation, Trivandrum	Pvt.	Diploma in Child Health	2	1 to 3
125	Kerala	Sree Gokulam Medical College Trust & Research Foundation, Trivandrum	Pvt.	Diploma in Radio-Diagnosis	1	2 to 3
126	Madhya Pradesh	Gajra Raja Medical College, Gwalior	Govt.	Diploma in Oto-Rhino-Laryngology	2	3 to 5
127	Madhya Pradesh	M G M Medical College, Indore	Govt.	Diploma in Ophthalmology	2	5 to 7
128	Madhya Pradesh	Netaji Subhash Chandra Bose Medical College, Jabalpur	Govt.	Diploma in Obstetrics & Gynaecology	10	11 to 21
129	Madhya Pradesh	Netaji Subhash Chandra Bose Medical College, Jabalpur	Govt.	Diploma in Child Health	2	6 to 8
130	Maharashtra	SRTR Medical College, Ambajogai	Govt.	Diploma in Public Health	1	8 to 9
131	Maharashtra	SRTR Medical College, Ambajogai	Govt.	Diploma in Anesthesia	2	4 to 6

132	Maharashtra	SRTR Medical College, Ambajogai	Govt.	Diploma in Child Health	1	1 to 2
133	Maharashtra	SRTR Medical College, Ambajogai	Govt.	Diploma in Obstetrics & Gynaecology	2	4 to 6
134	Maharashtra	SRTR Medical College, Ambajogai	Govt.	Diploma in Ophthalmology	1	2 to 3
135	Maharashtra	ACPM Medical College, Dhule	Pvt.	Diploma in Obstetrics & Gynaecology	1	2 to 3
136	Maharashtra	ACPM Medical College, Dhule	Pvt.	Diploma in Orthopaedics	2	2 to 4
137	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Child Health	1	7 to 8
138	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Obstetrics & Gynaecology	1	8 to 9
139	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Oto-Rhino-Laryngology	1	2 to 3
140	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Orthopaedics	1	1 to 2
141	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Anesthesia	2	5 to 7
142	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Public Health	3	4 to 7
143	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Clinical Pathology	3	4 to 7
144	Maharashtra	Dr Vaishampayan Memorial Medical College, Solapur	Govt.	Diploma in Radio-Diagnosis	2	2 to 4
145	Maharashtra	Government Medical College, Aurangabad	Govt.	Diploma in Anesthesia	3	14 to 17
146	Maharashtra	Government Medical College, Nagpur	Govt.	Diploma in Public Health	4	9 to 13
147	Maharashtra	Indira Gandhi Medical College & Hospital, Nagpur	Govt.	Diploma in Child Health	1	3 to 4
148	Maharashtra	Indira Gandhi Medical College & Hospital, Nagpur	Govt.	Diploma in Oto-Rhino-Laryngology	1	3 to 4
149	Maharashtra	Indira Gandhi Medical College & Hospital, Nagpur	Govt.	Diploma in Obstetrics & Gynaecology	1	7 to 8
150	Maharashtra	Indira Gandhi Medical College & Hospital, Nagpur	Govt.	Diploma in Ophthalmology	1	4 to 5
151	Maharashtra	Indira Gandhi Medical College & Hospital, Nagpur	Govt.	Diploma in Radio-Diagnosis	2	3 to 5
152	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Clinical Pathology	2	8 to 10
153	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Anesthesia	3	15 to 18

154	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Tuberculosis & Chest Diseases	1	5 to 6
155	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Psychological Medicine	1	4 to 5
156	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Dermatology, Venereology and Leprosy	1	9 to 10
157	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Child Health	3	9 to 12
158	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Orthopaedics	3	12 to 15
159	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Ophthalmology	1	7 to 8
160	Maharashtra	Padmashree Dr. D.Y.Patil Medical College, Navi Mumbai	Pvt.	Diploma in Obstetrics & Gynaecology	2	12 to 14
161	Maharashtra	Postgraduate Institute of Swasthiyog Pratisthan, Miraj	Pvt.	Diploma in Orthopaedics	2	2 to 4
162	Maharashtra	Rural Medical College, Loni	Pvt.	Diploma in Orthopaedics	2	5 to 7
163	Maharashtra	Sanjeevan Medical Foundation ENT Post Graduate Training Instt., Miraj	Pvt.	Diploma in Oto-Rhino-Laryngology	2	1 to 3
164	Maharashtra	Seth GS Medical College, Mumbai	Govt.	Diploma in Ophthalmology	2	3 to 5
165	Maharashtra	Seth GS Medical College, Mumbai	Govt.	Diploma in Public Health	2	17 to 19
166	Maharashtra	Seth GS Medical College, Mumbai	Govt.	Diploma in Obstetrics & Gynaecology	12	24 to 36
167	Maharashtra	Smt. Kashibai Navale Medical College and General Hospital, Pune	Pvt.	Diploma in Clinical Pathology	2	5 to 7
168	Maharashtra	Topiwala National Medical College, Mumbai	Govt.	Diploma in Anesthesia	9	17 to 26
169	Maharashtra	Topiwala National Medical College, Mumbai	Govt.	Diploma in Child Health	3	11 to 14
170	Maharashtra	Topiwala National Medical College, Mumbai	Govt.	Diploma in Radio-Diagnosis	3	7 to 10
171	Maharashtra	Topiwala National Medical College, Mumbai	Govt.	Diploma in Psychological Medicine	4	4 to 8
172	Maharashtra	Topiwala National Medical College, Mumbai	Govt.	Diploma in Forensic Medicine	1	1 to 2
173	Maharashtra	Topiwala National Medical College, Mumbai	Govt.	Diploma in Public Health	1	9 to 10
174	Pondicherry	Vinayaka Missions Medical College, Karaikal, Pondicherry	Pvt.	Diploma in Dermatology, Venereology and Leprosy	2	3 to 5
175	Punjab	Christiana Medical College, Ludhiana	Pvt.	Diploma in Ophthalmology	1	2 to 3
176	Punjab	Christiana Medical College, Ludhiana	Pvt.	Diploma in Radio Therapy	1	2 to 3

177	Punjab	Christian Medical College, Ludhiana	Pvt.	Diploma in Anesthesia	6	4 to 10
178	Punjab	Christian Medical College, Ludhiana	Pvt.	Diploma in Obstetrics & Gynaecology	4	2 to 6
179	Punjab	Christian Medical College, Ludhiana	Pvt.	Diploma in Child Health	5	4 to 9
180	Punjab	Christian Medical College, Ludhiana	Pvt.	Diploma in Radio-Diagnosis	4	2 to 6
181	Punjab	Dayanand Medical College & Hospital, Ludhiana	Pvt.	Diploma in Anesthesia	10	5 to 15
182	Punjab	Dayanand Medical College & Hospital, Ludhiana	Pvt.	Diploma in Obstetrics & Gynaecology	2	2 to 4
183	Punjab	Dayanand Medical College & Hospital, Ludhiana	Pvt.	Diploma in Oto-Rhino-Laryngology	1	1 to 2
184	Punjab	Dayanand Medical College & Hospital, Ludhiana	Pvt.	Diploma in Child Health	2	5 to 7
185	Rajasthan	R N T Medical College, Udaipu	Govt.	Diploma in Anesthesia	6	10 to 16
186	Rajasthan	R N T Medical College, Udaipu	Govt.	Diploma in Obstetrics & Gynaecology	3	9 to 12
187	Rajasthan	SMS Medical College, Jaipur	Govt.	Diploma in Public Health	6	6 to 12
188	Tamil Nadu	Regional centre for Cancer Research and treatment, Adyar, Chennai	Govt.	Diploma in Radio Therapy	2	5 to 7
189	Tamil Nadu	Sankara Netralaya Medical Research Foundation, Chennai	Pvt.	Diploma in Ophthalmology	4	4
190	Telangana	Gandhi Medical College, Secunderabad	Govt.	Diploma in Child Health	4	5 to 9
191	Telangana	Kakatiya Medical College, Wrangal	Govt.	Diploma in Oto-Rhino-Laryngology	2	5 to 7
192	Telangana	Kakatiya Medical College, Wrangal	Govt.	Diploma in Ophthalmology	4	6 to 10
193	Telangana	Kakatiya Medical College, Wrangal	Govt.	Diploma in DCH	1	12 to 13
194	Telangana	Kamineni Institute of Medical Sciences, Narketpally	Pvt.	Diploma in Clinical Pathology	2	2 to 4
195	Telangana	MNR Medical College & Hospital, Sangareddy	Pvt.	Diploma in Obstetrics & Gynaecology	1	6 to 7
196	Telangana	Nizams Institute of Medical Sciences, Hyderabad	Govt.	Diploma in Radio-Diagnosis	2	11 to 13
197	Telangana	Prathima Institute Of Medical Sciences, Karimnagar	Pvt.	Diploma in Orthopaedics	2	10 to 12
198	Uttar Pradesh	GSVM Medical College, Kanpur	Govt.	Diploma in Obstetrics & Gynaecology	7	10 to 17
199	Uttar Pradesh	GSVM Medical College, Kanpur	Govt.	Diploma in Orthopaedics	3	6 to 9
200	Uttar Pradesh	GSVM Medical College, Kanpur	Govt.	Diploma in Child Health	5	6 to 11
201	Uttar Pradesh	LLRM Medical College, Meerut	Govt.	Diploma in Anesthesia	1	3 to 4
202	Uttar Pradesh	LLRM Medical College, Meerut	Govt.	Diploma in Obstetrics & Gynaecology	3	6 to 9

203	Uttar Pradesh	Regional Instt. of Ophthalmology Previously Known as Nehru Instt. of Ophthalmo, Sitapur	Govt.	Diploma in Ophthalmology	15	0 to 15
204	Uttar Pradesh	Rohilkhand Medical College & Hospital, Bareilly	Pvt.	Diploma in Clinical Pathology	1	8 to 9
205	Uttar Pradesh	Rohilkhand Medical College & Hospital, Bareilly	Pvt.	Diploma in Microbiology	1	1 to 2
206	Uttar Pradesh	S N Medical College, Agra	Govt.	Diploma in Obstetrics & Gynaecology	6	7 to 13
207	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Clinical Pathology	2	2 to 4
208	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Tuberculosis & Chest Diseases	1	1 to 2
209	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Psychological Medicine	1	3 to 4
210	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Child Health	2	5 to 7
211	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Orthopaedics	2	1 to 3
212	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Ophthalmology	2	3 to 5
213	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Oto-Rhino-Laryngology	2	2 to 4
214	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Obstetrics & Gynaecology	2	2 to 4
215	Uttar Pradesh	Santosh Medical College, Ghaziabad	Pvt.	Diploma in Anesthesia	3	4 to 7
216	Uttar Pradesh	Subharti Medical College, Meerut	Pvt.	Diploma in Anesthesia	2	8 to 10
217	Uttarakhand	Himalayan Institute of Medical Sciences, Dehradun	Pvt.	Diploma in Obstetrics & Gynaecology	2	4 to 6
218	Uttarakhand	Himalayan Institute of Medical Sciences, Dehradun	Pvt.	Diploma in Orthopaedics	2	4 to 6
219	Uttarakhand	Himalayan Institute of Medical Sciences, Dehradun	Pvt.	Diploma in Child Health	1	12 to 13
220	Uttarakhand	Himalayan Institute of Medical Sciences, Dehradun	Pvt.	Diploma in Radio-Diagnosis	3	3 to 6
221	West Bengal	All India Institute of Hygiene & Public Health, Kolkata	Govt.	Diploma in Public Health	10	10 to 20
222	West Bengal	Chittaranjan Seva Sadan Hospital, Kolkata	Govt.	Diploma in Child Health	2	4 to 6
223	West Bengal	Chittaranjan Seva Sadan Hospital, Kolkata	Govt.	Diploma in Obstetrics & Gynaecology	2	10 to 12

TOTAL 586

ANNEXURE P-5

99

BY SPEED POST/ तीव्र डाक

No.U.12012/347/2019-ME-I (pt.10)/FTS-8056222

भारत सरकार/ Government of India

स्वास्थ्य और परिवार कल्याण मंत्रालय/ Ministry of Health & Family Welfare

स्वास्थ्य और परिवार कल्याण विभाग/ Department of Health & Family Welfare

(चिकित्सीय शिक्षा-I/ Medical Education-I)

Nirman Bhawan, New Delhi

Dated the 18 March 2020

To

The Additional Chief Secretary/ Principal Secretary/
Secretary-in-Charge of Medical Education Department,
All State Governments & Union Territories

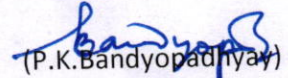
Subject: Increase of postgraduate Degree seats created by surrender and conversion of diploma seats from the academic session 2020-21 – regarding.

Sir/Madam,

I am directed to enclose a copy of letter No.MCI-23(1)(Conversion)/2019-Med./195412 dated 27.02.2020 received from the BoG-MCI on the above subject recommending the Ministry for conversion of postgraduate diploma course seats into corresponding degree seats prospectively i.e. from the academic session 2020-21. The Ministry after considering the recommendation of BoG-MCI, has decided to convey the approval of the Ministry for conversion of postgraduate diploma course seats into corresponding degree seats from the academic session 2020-21.

2. The institutes concerned are required to obtain the affiliation from the concerned affiliating University with regard to enhanced intake capacity of the degree courses before admitting the students.

Yours faithfully


(P.K. Bandyopadhyay)

Under Secretary to the Government of India

Tel No: 011 – 23062959

Encl: A/A.

Copy to:-

1. The Secretary General, Board of Governors in Supersession of Medical Council of India (BoG-MCI), Pocket – 14, Sector – 8, Dwarka, New Delhi – 110075.
2. ADG(ME), Directorate General of Health Sciences, Nirman Bhawan, New Delhi, along with a copy of the BoG-MCI's No.MCI-23(1)(EWS)/2019-Med./195914 dated 27.02.2020.
3. NIC Division for uploading in MoHFW website.

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY
: PRESENT:**

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**IA No. 1 OF 2020
IN
WP NO: 6624 OF 2020**

Between:

Dr.Pilligundla Bhavana, W/o Sri Mandala Dinakar Kiran

...Petitioner
(Petitioner in WP 6624 OF 2020
on the file of High Court)

AND

1. Union of India, Rep by its Secretary, Ministry of Health and Family Welfare, Government of India. (Email - secyhw@nic.in)
2. Medical Council of India, Rep by the Board of Governors through its Joint Secretary, Pocket- 14 , Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
3. National Board of Education, Rep by its Joint Director, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029, (Email - mail@natboard.edu.in)
4. State of Telangana, Rep by the Principal Secretary, Department of Health, Medical and Family Welfare, Hyderabad. (Email. prlsecy_hmfw@telangana.gov.in)
5. Kaloji Narayanarao University of Health Sciences, Rep by its Registrar, Nizampura, Warangal, Telangana 506007. (Email - knruhswg115@gmail.com)
6. Nizam Institute of Medical Sciences, Rep. by its Director, Panjagutta, Hyderabad-82, Telangana
7. Basavatarakam Indo American Cancer Hospital & Research Institute, rep. by its Chief Executive Officer, Road No. 10, Banjārahills, Hyderabad-34, Telangana
(Respondent No. 6 & 7 impleaded as per Court order dated 05.05.2020 vide IA. No. 2 of 2020)

...Respondents
(Respondents in-do-)

Counsel for the Petitioner:

SRI P THIRUMALA RAO

Counsel for the Respondent No. 1 to 3:

**SRI NAMAVARAPU RAJESHWAR RAO
(ASSGI)**

Counsel for the Respondent No. 4:

GP FOR MEDICAL HEALTH

Counsel for the Respondent No. 5:

SRI A. PRABHAKAR RAO

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct 5th respondent to allow the petitioner to participate in the ongoing NEETPG counseling and accordingly reserve a Post Graduate Diploma/Degree seat in Nizams Institute of Medical Sciences in the branch of Radiology, pending disposal of WP No. 6624 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Exercise of web options by the candidates for Post Graduate Diploma Seats to be filled in the NEET Post Graduate Medical Admissions for the year 2020 will be subject to further orders in this Application.

List on 07.05.2020.

**SD/-SRI JUSTICE M.S.RAMACHANDRA RAO
AND
SD/-SRI JUSTICE T.AMARNATH GOUD**

//TRUE COPY//


REGISTRAR (JUDICIAL)
8
05/5


SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Health and Family Welfare, Government of India. (Email - secyhw@nic.in)
 2. The Board of Governors through its Joint Secretary, Medical Council of India, Pocket-14, Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
 3. The Joint Director, National Board of Education, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029, (Email - mail@natboard.edu.in)
 4. The Principal Secretary, Department of Health, Medical and Family Welfare, State of Telangana, Hyderabad. (Email. prlsecy_hmfw@telangana.gov.in)
 5. The Registrar, Kaloji Narayanarao University of Health Sciences, Nizampura, Warangal, Telangana 506007. (Email - knruhswg115@gmail.com)
 6. The Director, Nizam Institute of Medical Sciences, Panjagutta, Hyderabad-82, Telangana
 7. The Chief Executive Officer, Basavatarakam Indo American Cancer Hospital & Research Institute, Road No. 10, Banjarahills, Hyderabad-34, Telangana (Addressees 1 to 5 by RPAD)
 8. One CC to Sri P Thirumala Rao Advocate [OPUC]
 9. Two CC to GP for Medical Health, High Court, Hyderabad(OUT)
 10. Two spare copy
- Csk

HIGH COURT

MSRJ
&
TAJ

DATED:05/05/2020

NOTE: POST ON 07.05.2020

ORDER

IA. NO. 1 OF 2020
IN
WP.No.6624 of 2020

DIRECTION





**KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES, TELANGANA
STATE, WARANGAL.**

NOTIFICATION

In obedience to the orders of the Hon'ble High court in W.P.No. 6624 of 2020, 18 PG Degree seats in Pediatrics, ENT, Ophthalmology, Radio diagnosis, OBG , Orthopedics and Pathology which were converted from Diploma to Degree in various colleges for the academic year 2020-2021 which was suspended are kept aside for the counseling at a later date after necessary arrangements are made along with other diploma seats.

1st phase of counseling for the remaining PG degree seats with modification of seat matrix will be completed as follows.

- Candidates who wish to change their options can exercise web options from 9AM on 10-05-2020 to 11AM on 11-05-2020 through the same website through which they have exercised the options before.
- Candidates who do not wish to change their options need not exercise any web options.

Modified seat matrix is notified on KNRUHS website.

All allotments are subject to orders of writ petitions filed in the Hon'ble respective courts

Sd/-

Date:09-05-2020

Registrar

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2020

IN

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

APPLICATION SEEKING EXEMPTION FROM FILING
CERTIFIED COPY OF IMPUGNED ORDER

TO,
THE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION
OF THE PETITIONERS ABOVENAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Petitioners are filing the present SLP against the Impugned Interim Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020, wherein the Hon'ble

High Court has erroneously directed suspension of surrender of seats in post graduate diploma courses by the medical colleges in Telangana. As a result of the Impugned Order, the SLP Petitioner colleges are not being able to fill such seats through counselling, resulting in wastage of 18 post graduation seats in medical colleges in Telangana for the academic year 2020-21.

2. That the contents of the same may kindly be read as part and parcel for the present application and have not been repeated herein for the sake of brevity.
3. That the Petitioners have not filed the certified copy of the Impugned order to the present SLP because the Petitioners could not obtain the same from the Hon'ble High Court due to the present state of nationwide lockdown and due to the urgency of the matter.
4. That in light of the said facts, the Petitioners seek exemption from filing the certified copy of the Impugned Order and the same may kindly be granted, subject to the orders/directions of this Hon'ble Court.
5. That the Petitioners have a prima facie case in their favor and the balance of convenience also lies in favor of the Petitioners.

PRAYER

In the above said facts and circumstances, the Petitioners above named most respectfully pray that this Hon'ble Court may be graciously pleased to:

- a) Exempt the Petitioners from filing certified copy of the Impugned Interim Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana at Hyderabad in W.P. No. 6624 of 2020; and
- b) Pass any such other order(s)/direction(s) as may deem fit in the above said facts and circumstances.

FILED BY



SIDDHANT BUXY

ADVOCATE FOR THE PETITIONERS

AoR CODE: 2903

PLACE: NEW DELHI

FILED ON: 12.05.2020

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2020

IN

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

APPLICATION ON BEHALF OF THE PETITIONERS
SEEKING EXEMPTION FROM FILING NOTARIZED
AFFIDAVITS

TO,
THE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION
OF THE PETITIONERS ABOVENAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Petitioners are filing the present SLP against the Impugned Interim Order dated 07.05.2020 passed by the Hon'ble High Court of Judicature for the State of Telangana

at Hyderabad in W.P. No. 6624 of 2020, wherein the Hon'ble High Court has erroneously directed suspension of surrender of seats in post graduate diploma courses by the medical colleges in Telangana. As a result of the Impugned Order, the SLP Petitioner colleges are not being able to fill such seats through counselling, resulting in wastage of 18 post graduation seats in medical colleges in Telangana for the academic year 2020-21.

2. That the contents of the same may kindly be read as part and parcel for the present application and have not been repeated herein for the sake of brevity.
3. That due to the present state of nationwide lockdown, the Petitioners could not have the affidavits to the present SLP notarized. However, the said affidavits have been identified by the Advocate-on-Record, vide copies of identity proofs provided by the Petitioners. The annexures to the present SLP have been arranged in chronological order. The Petitioners, hence, seek the aforesaid exemptions from this Hon'ble Court in filing the present Special Leave Petition. The Petitioners undertake to file the notarized documents as and when directed by this Hon'ble Court.

PRAYER

In the above said facts and circumstances, the Petitioners above named most respectfully pray that this Hon'ble Court may be graciously pleased to:

- a) Exempt the Petitioners from filing notarized affidavits; and

b) Pass any such other order(s)/direction(s) as may deem fit
in the above said facts and circumstances.

FILED BY



SIDDHANT BUXY

ADVOCATE FOR THE PETITIONERS

AOR CODE: 2903

PLACE: NEW DELHI

FILED ON: 12.05.2020

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF: -

Kamineni Medical College & Ors. ...Petitioners

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10.	Application for exemption from filing	1+3	

	notarized affidavits		
11.	Vakalatnama	1	

FILED BY



SIDDHANT BUXY
ADVOCATE FOR THE PETITIONERS

A.O.R CODE: 2903
MOB: (+91) 9650409751

DATE: 12.05.2020
PLACE: NEW DELHI

SUPREME COURT OF INDIA
VAKALATNAMA

CIVIL/CRIMINAL/APPELLATE JURISDICTION/ORIGINAL
JURISDICTION
SPECIAL LEAVE PETITION FOR (CIVIL/CRIMINAL)

CIVIL/CRIMINAL/APPEAL/F.A No. _____ OF _____
WRIT PETITION NO. _____ OF 2020
KAMINENI MEDICAL COLLEGE & ORS. Petitioner(s)Appellant(s)
VERSUS
UNION OF INDIA & ORS. Respondent(s) Defendant(s)

VAKALATNAMA

I/We, SHRUTI MOHANTY, PRINCIPAL OF No. 1
Petitioner(s)/Respondent(s) in
the above Petition / Suit Appeal Reference do hereby appoint and retain

SIDDHANT BUXY, Advocate-ON-RECORD (CODE: 2903)
10/59, LGF, VIKRAM VIHAR, LAJPAT NAGAR IV, NEW DELHI-110024
to act and appear for me/us in the above Petition/appeal & on my/our behalf
to conduct & prosecute (or defend) withdraw the same & all proceedings that
may be taken in respect of any application connected with the same or any
decree or order passed there, proceedings in taxation and application for Review
to file & obtain return of documents & receive money on my/our behalf in the
said Petition/Appeal & to represent me/us and to take all necessary steps on
my/our behalf in the above matter. I/We agree to ratify all acts done by the
aforesaid advocate on record in pursuance of this authority.

Dated this the 9th day of MAY 2020

Accepted, identified, verified and satisfied.


(SIDDHANT BUXY)
Advocate LG/233/2013
AOR CODE: 2903


(Signed) ✓
Petitioner(s)/Respondent(s)
Appellant(s)
PRINCIPAL

The address for service of the said Advocate is: KAMINENI INSTITUTE OF MEDICAL SCIENCES
SIDDHANT BUXY, ADVOCATE-ON-RECORD MARKETPALLY-508 254. (T.S.)
10/59, LGF, VIKRAM VIHAR,
LAJPAT NAGAR IV, NEW DELHI - 110024

MEMO OF APPEARANCE

The Registrar,
SUPREME COURT OF INDIA, NEW DELHI

Please enter my appearance on behalf of the Petitioner(s)/
Appellant(s)/Respondent(s) in the above matter.

Dated.....09/05/ 2020


(Advocate,)

SUPREME COURT OF INDIA
V A K A L A T N A M A

CIVIL/CRIMINAL/APPELLATE JURISDICTION/ORIGINAL
JURISDICTION

SPECIAL LEAVE PETITION FOR (CIVIL/CRIMINAL)

CIVIL/CRIMINAL/APPEAL/F.A No. _____ OF _____
WRIT PETITION NO. _____ OF 2020

KAMINENI MEDICAL COLLEGE & ORS. Petitioner(s) Appellant(s)
VERSUS

UNION OF INDIA & ORS. Respondent(s) Defendant(s)

VAKALATNAMA

I/We, ACHANTA VIVEKANAND, PRINCIPAL OF Petitioner(s)/^{No. 2}~~Respondent(s)~~ in
the above Petition / ~~Suit Appeal Reference~~ do hereby appoint and retain

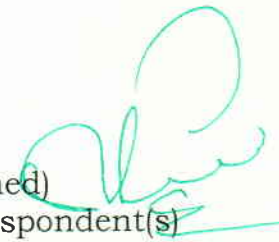
SIDDHANT BUXY, Advocate-ON-RECORD (CODE: 2903)
10/59, LGF, VIKRAM VIHAR, LAJPAT NAGAR IV, NEW DELHI - 110024

to act and appear for me/us in the above Petition/appeal & on my/our behalf
to conduct & prosecute (or defend) withdraw the same & all proceedings that
may be taken in respect of any application connected with the same or any
decree or order passed there, proceedings in taxation and application for Review
to file & obtain return of documents & receive money on my/our behalf in the
said Petition/Appeal & to represent me/us and to take all necessary steps on
my/our behalf in the above matter. I/We agree to ratify all acts done by the
aforesaid advocate on record in pursuance of this authority.

Dated this the 9th day of MAY 2020

Accepted, identified, verified and satisfied.


(SIDDHANT BUXY)
Advocate CG/233/2013
ADR CODE: 2903

(Signed) 
Petitioner(s)/Respondent(s)
Appellant(s) **DEAN**
Prathima Institute of Medical Sciences
Nagunur, Karimnagar.

The address for service of the said Advocate is:

SIDDHANT BUXY, ADVOCATE-ON-RECORD
10/59, LGF, VIKRAM VIHAR,
LAJPAT NAGAR IV, NEW DELHI - 110024

MEMO OF APPEARANCE

The Registrar,
SUPREME COURT OF INDIA, NEW DELHI

Please enter my appearance on behalf of the Petitioner(s)/
Appellant(s)/Respondent(s) in the above matter.

Dated 09/05/ 2020


(Advocate,)

**SUPREME COURT OF INDIA
VAKALATNAMA**

CIVIL/CRIMINAL/APPELLATE JURISDICTION/ORIGINAL
JURISDICTION
SPECIAL LEAVE PETITION FOR (CIVIL/CRIMINAL)

CIVIL/CRIMINAL/APPEAL/F.A No. _____ OF _____
WRIT PETITION NO. _____ OF 2020

KAMINENI MEDICAL COLLEGE & ORS. Petitioner(s) Appellant(s)
VERSUS

UNION OF INDIA & ORS. Respondent(s) Defendant(s)

VAKALATNAMA

I/We, SUMAN CHANDRA, PRINCIPAL OF ^{NO. 3} Petitioner(s)/Respondent(s) in
the above Petition / Suit Appeal Reference do hereby appoint and retain

SIDDHANT BUXY, Advocate.-ON-RECORD (CODE: 2903)
10/59, LGF, VIKRAM VIHAR, LAJPAT NAGAR IV, NEW DELHI-110024
to act and appear for me/us in the above Petition/appeal & on my/our behalf
to conduct & prosecute (or defend) withdraw the same & all proceedings that
may be taken in respect of any application connected with the same or any
decree or order passed there, proceedings in taxation and application for Review
to file & obtain return of documents & receive money on my/our behalf in the
said Petition/Appeal & to represent me/us and to take all necessary steps on
my/our behalf in the above matter. I/We agree to ratify all acts done by the
aforesaid advocate on record in pursuance of this authority.

Dated this the 9th day of MAY 2020

Accepted, identified, verified and satisfied.


Advocate (SIDDHANT BUXY)
CG/233/2013
ADR CODE: 2903


PRINCIPAL
(Signed)
Petitioner(s)/Respondent(s)
Appellant(s)

The address for service of the said Advocate is:

SIDDHANT BUXY, ADVOCATE-ON-RECORD
10/59, LGF, VIKRAM VIHAR,
LAJPAT NAGAR IV, NEW DELHI - 110024

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