

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1839 of 2015

Kaifur Rahman S/o Late Matiur Rahman R/o Moh. Bauli, P.O + P.s -
Phulwarisharif, Distt- Patna (Bihar) PIN-801505.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary. Government of Bihar, Old secretariate, Patna. .
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
3. The Director of Medical Education/Director-in-Chief Health Service, Governmnet of Bihar, Vikas Bhavan, Patna - 800015(Bihar).
4. Union of India, through the Secretary, Department of Health and Family welfare, New Delhi.
5. Medical Council of India through its Secretary.
6. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, IAS Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Pandey, Advocate
For the State	:	Mr. P.K. Verma, AAG-3 Dr. Mankeshwar Tiwari, A.C. to AAG-3
For BCECE Board	:	Mr. Prasoon Sinha, Advocate
For the M.C.I.	:	Mr. Kumar Brijnandan, Advocate Mr. Tarees Hameed, Advocate
For the Union of India	:	Ms. Chhaya Mishra, C.G.C.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-09-2018

1. By way of the present Public Interest Litigation, the petitioner has prayed for the following reliefs:

“(ii). For issuance of an order(s)/ direction(s) or writ(s) in the nature of Mandamus directing the respondent State of Bihar and its officials to put in place all the necessary infrastructure (Manpower, Building, Operation Theater etc.) as per



the requirement of the Medical Council of India forthwith so as to ensure 100 admissions in MBBS Course for the coming 2015 Session in each of these three proposed medical colleges. And/or

(iii) For issuance of an order(s)/ direction(s) or writ(s) in the nature of Mandamus directing the respondent State of Bihar to fix the personal responsibility of the officials involved in the process of starting new medical colleges in Purnia, Samastipur and Chapra which has resulted in rejection of the permission by the Medical Council of India.”

2. At the outset, it is required to be noted that so far as the proposed Medical Colleges at Purnia, Samastipur and Chapra is concerned, a detailed order has been passed earlier in which it is observed that due to lack of infrastructure facilities and other facilities it is not possible even by the M.C.I. to grant recognition to the new Medical Colleges at Purnia, Samastipur and Chapra. Now so far as the proposed Medical College at Madhepura is concerned, it appears that the application for recognition/affiliation has been made to the Medical Council of India within the prescribed time. The Medical Council of India is required to process the application within a time frame as mentioned in the counter which reads as under:-



S. No.	Stage of Processing	Last Date
1.	Receipt of applications by the Central Government	Between 15 th June to 7 th July (both days inclusive) of any year
2.	Forwarding application by the Central Government to the Medical Council of India	By 15 th July
3.	Technical scrutiny, assessment and recommendations for Letter of Permission by the Medical Council of India	By 15 th December
4.	Receipt of reply/compliance from the applicant by the Central Government and for personal hearing thereto, if any, and forwarding of compliance by the Central Government to the Medical Council of India	Two months from receipt of recommendation from MCI but not beyond 31 st January
5.	Final recommendations for the Letter of Permission by the Medical Council of India	By 30 th April
6.	Issue of Letter of Permission by the Central Government	By 31 st May

Note 1.- In case of renewal of permission, the applicants shall submit the application to the Medical Council of India by 15th July.”

2.1. It appears from the counter filed on behalf of the M.C.I that vide communication dated 13th August, 2018 the Principal of Jannayak Karpuri Thakur Medical College & Hospital was directed to remove the defects. Further reminders were sent to the Principal. However, it appears that the defects are yet not removed.

3. Shri P.K. Verma, learned Additional Advocate General has stated at the Bar under the written instruction from the Joint Secretary, Health Department, Government of Bihar



that all the necessary required infrastructure/facilities to start the Medical College at Madhepura, from the Academic Year 2019-2020 shall be provided on or before 31.12.2018.

4. From the schedule/stage of processing as per the M.C.I., the technical scrutiny, assessment and recommendations for Letter of Permission by the Medical Council of India is to be completed by 15th December. Therefore, all efforts to provide the required infrastructure/facilities must be completed at the earliest so that the inspection by the M.C.I. can be carried out and the technical scrutiny, assessment and recommendations for Letter of Permission by the Medical Council of India is made before 15th December. (In the present case 15th December, 2018).

4.1. Under the circumstances, the present writ petition stands disposed of by directing the State Government, more particularly the Health Department of the State Government, to constitute a special team to monitor and supervise the work of providing infrastructure/facilities for the purpose of establishing a new Medical College at Madhepura and see to it that the defects are removed and/or required infrastructure facilities and other facilities are provided, which are required for the purpose of establishing a new Medical College at the earliest so that the Medical Council of India can have the technical scrutiny,



assessment and recommendations for Letter of Permission by the Medical Council of India by 15th December, 2018. At this stage, it is observed that the time limit has already been prescribed by the Medical Council of India for the purpose of grant of affiliation/recognition to the new Medical College, which is reproduced hereinabove. Therefore, all sincere steps shall be taken by the State Government and the concerned College and the Hospital to see to it that the same is strictly adhered to.

4.2. With this, the present writ application stands disposed of at this stage.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-R.S.Sen

AFR/NAFR	
CAV DATE	
Uploading Date	18.09.2018
Transmission Date	

