

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Pronounced on: 30.09.2015

+ **LPA No.653 of 2015 & CM Nos.21063-65/2015**

OXFORD MEDICAL COLLEGE
HOSPITAL & RESEARCH CENTRE

..... Appellant

Through: Mr.Nidhesh Gupta, Sr.Adv. along
with Mr.Naveen R.Nath and Mr.Darpan
K.M.,Adv.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Kamal Kant Jha along with
Ms.Kawindra Gill, Adv. for R-1.
Mr.Vikas Singh, Sr.Adv. along with Mr.T.
Singhdev and Ms.Baikthansangi, Adv. for R-
2/MCI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

: **Ms.G.ROHINI, CHIEF JUSTICE**

1. This appeal is preferred against the order of the learned Single Judge dated 21.09.2015 in W.P.(C) No.6684 of 2015.
2. The appellant/writ petitioner is a medical college, which was established with intake of 150 seats for the Academic Year 2014-15. For the

purpose of renewal of the permission for the Academic Session 2015-16, the petitioner college was inspected by Medical Council of India (MCI) on 12th and 13th January, 2015. Specifying about 20 deficiencies, MCI by letter dated 12.02.2015 recommended to the Central Government for rejection of renewal. However, the Central Government granted time to the petitioner to rectify the deficiencies and accordingly by letter dated 09.03.2015, the petitioner reported compliance. On 08.04.2015, MCI carried out a surprise inspection for compliance verification and by letter dated 11.05.2015 conveyed to the petitioner that it has been decided to recommend to the Central Government not to renew the permission in view of 11 alleged deficiencies found in the inspection. Accepting the recommendation of MCI, the Central Government by letter dated 15.06.2015 informed the petitioner that the permission for renewal for admission of second batch MBBS Course for the Academic Year 2015-16 is rejected. Aggrieved by the same, W.P.(C) 6684 of 2015 has been filed with the prayer to set aside the order of the Central Government dated 15.06.2015.

3. The learned Single Judge dismissed the said writ petition by the order under appeal holding that no error is found to interfere with the decision of the Central Government based on the recommendation of MCI which in turn is based on the Inspection Report.

4. The said order is assailed before us contending *inter alia* the order of rejection passed by the Central Government is unsustainable and arbitrary since the same was passed without granting an opportunity of hearing to the appellant as required under Section 10-A of the Indian Medical Council Act, 1966 (for short 'the Act'). The learned Senior Counsel appearing for the

appellant has also contended that the alleged deficiencies are non-existent and the MCI had recommended for rejection of renewal on hyper-technical grounds.

5. We have also heard the learned counsel appearing for the respondents and perused the material available on record.

6. Admittedly, this is a case where the inspection was carried out by MCI in January, 2015 itself and the petitioner was also given an opportunity to rectify the deficiencies specified. The petitioner was also given an opportunity of hearing by the Central Government and a second inspection was undertaken by MCI for compliance verification. Having found that the deficiencies continued to persist, MCI had again recommended rejection of renewal which resulted in the impugned order of rejection dated 15.06.2015.

7. Since the petitioner was given adequate opportunity of hearing as well as opportunity to rectify the deficiencies both by MCI and the Central Government in conformity with the scheme of Section 10-A of the Act, the learned Single Judge declined to interfere observing that the scope of writ petition is confined to the decision making process with which no error is found.

8. We do not find any justifiable reason to interfere with the conclusion of the learned Single Judge. It may also be added that the time schedule for the Academic Year 2015-16 is already over. Since there is no renewal of permission as of today and there is no possibility for allotment/admission of students for this Academic Year, on that ground also the appeal does not deserve any consideration.

9. Accordingly, the appeal is dismissed. No costs.

CHIEF JUSTICE

JAYANT NATH, J.

SEPTEMBER 30, 2015/pmc