

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE EIGHTH DAY OF OCTOBER,
TWO THOUSAND AND FIFTEEN

: PRESENT:

**THE HON'BLE SRI DILIP B. BHOSALE, ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WP .No. 21617 of 2015

Between:-

1. Anil Neerukonda Educational Society, D. No. 9-42-20, Bala Nagar, Siripuram Jn., Vishakapatnam- 530003 Represented by its Chief Executive Officer, Mr. Y. Rajeshwar Rao
 2. NRI Institute of Medical Sciences Sangivalasa, Bheemunipatnam Mandal, Vishakapatnam - 531162 rep by its Chief Executive Officer, Mr. Y. Rajeshwar Rao.
 3. Mr. Y. Rajeshwar Rao, S/o. Subba Rao,
- Petitioner

AND

1. Union of India, Rep. by its Secretary, Ministry of Health & Family Welfare, Nirmal Bhavan, New Delhi.
 2. Medical Council of India, Represented by its President, Bocket-14, Sector-A, Daraka Phase-I, New Delhi 110077.
 3. State of Andhra Pradesh rep. by its Principal Secretary, Medical, Health & Family Welfare Department, Secretariat Buildings, Hyderabad.
-Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ, order or direction and more particularly, one in the nature of Writ of Mandamus (i) Declaring Regulation 8(1) of the Establishment of Medical College Regulations, 1999 as ultra vires the Indian Medical Council Act, 1956 apart from being arbitrary and unconstitutional and strike down the same and hold that the recommendation of the Medical Council of India is not binding upon the 1st respondent; (ii) Declare the action of the 1st respondent in refusing to grant renewal of permission for the 2nd Petitioner Institution on the basis of a negative recommendation from the Medical Council of India by not considering the Compliance Report dated 09.02.2015 submitted by the petitioner independently including by issuing communication vide U.12012/466/2015-ME(P-11) dated 15.06.2015, as illegal, unlawful and unconstitutional set aside the communication dated 15.06.2015 vide U.12012/466/2015-ME(P-11); and (iii) Direct the 1st respondent to consider the 2nd Petitioner's compliance report independently without treating the recommendation of Medical Council of India as binding upon it and grant renewal of permission to the 2nd Petitioner for the academic year 2015-16.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of High Court dt. 30-09-2015 made herein and upon hearing the arguments of Sri S.Niranjan Reddy Advocate for the Petitioners and of Sri B. Narayana Reddy, Assistant Solicitor General on behalf of respondent No.1 and Sri Nimmagadda Venkateswarlu-SC on behalf of respondent No.2 and the Govt. Pleader for Medical, Health & Family Planning(AP) on behalf of respondent No.3, the Court made the following

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ORDER:-

“Stand Over to 12.10.2015.

In the meanwhile, it is open to learned counsel for the petitioners to take inspection of record of the Medical Council of India (M.C.I). Learned counsel appearing for the M.C.I is directed to give inspection of the entire record to the petitioners’ counsel in his Office as per their convenience. If learned counsel for the petitioners expresses desire to see the C.Ds.(video recording), learned counsel for the M.C.I may allow him to do so in his Office as per their convenience.”

Sd/- V.L. KANTHA REDDY,
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1.The Secretary, Union of India, Ministry of Health & Family Welfare, Nirmal Bhavan,
New Delhi.

2.The President, Medical Council of India, Bocket-14, Sector-A, Daraka Phase-I,
New Delhi 110077.(Addressees 1 & 2 by SPEED POST)

3.The Principal Secretary, Medical, Health & Family Welfare Department, State of
Andhra Pradesh, Secretariat Buildings, Hyderabad.**(By Special Messenger)**

4.Two CC to GP for Medical, Health and Family Welfare(A.P) High Court, Hyderabad(OUT)

5.One CC to Sri B. Narayana Reddy, Assistant Solicitor General, High Court, Hyderabad**(By SPECIAL MESSENGER)**

6.One CC to Sri S. Niranjan Reddy, Advocate(OPUC)

7.One CC to Sri Nimmagadda Venkateswarlu, Advocate(OPUC)

8.Two spare copies

TKK

HIGH COURT

HAC.J & SVB.J

DATE: 08-10-2015.

ORDER

W.P. No. 21617 OF 2015

DIRECTION

**DRAFTED BY TKK
DT.09-10-2015.**

HIGH COURT

HAC.J & SVB.J

DATE: 08-10-2015.

Note :- Stand Over to 12.10.2015.

ORDER

W.P. No. 21617 OF 2015

DIRECTION