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

+ **W.P.(C) 1845/2016 & C.M.Nos.7904-7906/2016**

SHRI GURU RAM RAI INSTITUTE OF MEDICAL & HEALTH
SCIENCES SHRI MAHANT INDIRESH HOSPITAL & ANR.

..... Petitioners

Through Ms.Bina Madhavan with
Mr.Mrityunjai Singh, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through Ms.Shiva Lakshmi, CGSC with
Mr.Sriram Krishna, Advocate for R-1.
Mr.T.Singhdev with Mr.Biakthan
Sangi, Advocates for R-2/MCI.

WITH

+ **W.P.(C) 1855/2016 & C.M.Nos.7959-7961/2016**

GURU RAM RAI INSTITUTE OF MEDICAL & HEALTH
SCIENCES SHRI MAHANT INDIRESH HOSPITAL & ANR.

..... Petitioners

Through Ms.Bina Madhavan with
Mr.Mrityunjai Singh, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through Mr.Manish Mohan, CGSC with
Mr.Shivam Chanana, Ms.Manisha
Saroja and Ms.Pooja Mishra,
Advocates for R-1/UOI.
Mr.T.Singhdev with Mr.Biakthan
Sangi, Advocates for R-2/MCI.

AND

+ **W.P.(C) 1857/2016 & C.M.Nos.7978-7980/2016**

**GURU RAM RAI INSTITUTE OF MEDICL & HEALTH
SCIENCES SHRI MAHANT INDIRESH HOSPITAL & ANR.**

..... Petitioners

Through Ms.Bina Madhavan with
Mr.Mrityunjai Singh, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through Mr.Manish Mohan, CGSC with
Mr.Shivam Chanana, Ms.Manisha
Saroja and Ms.Pooja Mishra,
Advocates for R-1/UOI.
Mr.T.Singhdev with Mr.Biakthan
Sangi, Advocates for R-2/MCI.

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Date of Decision: 04th March, 2016

**CORAM:
HON'BLE MR. JUSTICE MANMOHAN**

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present batch of writ petitions has been filed challenging the order dated 19th February, 2016 issued by respondent no. 1, whereby petitioner-Institute's applications for increase of seats for PG courses of MD (Paediatrics), MD (Radio-Diagnosis) and MS (Orthopaedics) for the Academic Year 2016-17 were disapproved on the basis of negative recommendation by the respondent no.2-MCI.
2. Petitioners also challenge the minutes of meeting dated 22nd December, 2015, whereby deficiencies were pointed out in the petitioner-

institute. Petitioners also seek to direct the respondent no. 1 to re-consider petitioners' applications dated 22nd April, 2015 by verifying the compliance reports submitted by the petitioner-Institute.

3. It has been averred in the petitions that the petitioners vide letter dated 22nd April, 2015 sought increase of number of post- graduate seats in the aforesaid courses.

4. In the writ petitions, it is stated that in pursuance to the aforesaid letter, assessors of respondent no. 2-MCI conducted inspections in September, 2015. Respondent no.2-MCI pointed out deficiencies to the petitioner-institute, who in turn, submitted compliance reports in November, 2015 giving detailed replies to each and every deficiency pointed out.

5. Learned counsel for the petitioners states that respondent no.2-MCI without sending any reply to the compliance reports and without conducting any compliance verification inspection, sent another letter dated 11th December, 2015 enlisting new deficiencies in the petitioner-institute. Learned counsel for the petitioners further states that a second compliance report with regard to the new deficiencies was also sent to the respondent no.2-MCI in December, 2015.

6. Learned counsel for the petitioners also states that respondent no. 2-MCI in its meeting dated 22nd December, 2015 pointed out deficiencies in clinical material without conducting any compliance verification inspection. In support of her submissions, she relies upon the judgment of the Supreme Court in ***Royal Medical Trust and Others Vs. Union of India and Others, (2015) 10 SCC 19.***

7. On the other hand, Mr.T.Singhdev, learned counsel for respondent no.2-MCI states that the present writ petitions are not maintainable as the time schedule for issuance of letter of permission by the Central Government has expired on 28th February, 2016. In support of his contention, he has referred to the judgment and order dated 18th January, 2016 passed by the Apex Court in *Ashish Ranjan & Ors. Vs. Union of India & Ors. in W.P.(C) No.76/2015*.

8. The time schedule incorporated in the said order is reproduced hereinbelow:-

“TIME SCHEDULE FOR RECEIPT OF THE APPLICATIONS OF POST GRADUATE (BORAD SPECIALITY) COURSES/INCREASE OF ADMISSION CAPACITY AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND MEDICAL COUNCIL OF INDIA.

S. No	State of processing	Last Date
1.	Receipt of applications by the Central Government.	Between 15 th March to 7 th April (both days inclusive of any year)
2.	Forwarding application by the Central Government to Medical Council of India.	By 15 th April
3.	Technical scrutiny, assessment and Recommendations of Letter of Permission by the Medical Council of India.	By 30 th September
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 15 th November

5.	<i>Final recommendations for the Letter of Permission by the Medical Council of India.</i>	<i>By 31st January</i>
6.	<i>Issue of Letter of Permission by the Central Government.</i>	<i>By 28th February</i>

9. Keeping in view the aforesaid time schedule, it is apparent that the last date of issuance of letter of permission by the Central Government has expired on 28th February, 2016.

10. Consequently, this Court is of the view that no relief can be granted to the petitioners in the present batch of petitions. Accordingly the present writ petitions along with the applications are dismissed, but no order as to costs.

MARCH 04, 2016
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MANMOHAN, J

