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

+ **W.P.(C) 660/2018 & C.M. No.2884/2018**

HIND INSTITUTE OF MEDICAL SCIENCE. Petitioner

Through **Ms.Pragati Neekhara, Adv. with
Mr.Suryanarayana Singh, Adv. with
Ms.Kaveri Vats, Adv.**

versus

UNION OF INDIA AND ANR. Respondents

Through **Mr.Dev P. Bhardwj, CGSC for R-1.
Mr.T.Singhdev, Adv. with
Ms.Amandeep Kaur, Adv., Ms.Puja
Sarkar, Adv., Ms. B. Das, Adv.,
Mr.Tarun Verma, Adv. & Mr.A.
Chakravarty, Adv. for R-2/MCI.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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24.01.2018

Mr.T. Singhdev, learned counsel appearing for the respondent no.2/MCI, who appears on advance notice, submits that the respondent no.2 has vide its letter dated 19th December, 2017, already made its recommendation in respect of the application of the petitioner seeking permission to start 12 PG courses and sent the file to the respondent no.1 for taking a final decision in terms of Section 10A of the Establishment of Medical College Regulations, 1999. He submits that vide the aforesaid letter dated 19th December, 2017, the respondent no.2 has recommended disapproval of the application of

the petitioner and reiterated its earlier decision of 11th May, 2017. Learned counsel further submits that the said letter was issued with the approval of the Oversight Committee appointed by the Hon'ble Supreme Court of India.

Mr.T. Singhdev, further submits that in view of its decision recommending disapproval of the petitioner's application, the respondent no.2 has not taken any steps to carry out the requisite inspection for the pre-PG assessment. He submits that no inspection can even otherwise be carried out before 29th January, 2018 as the proviso to Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999, does not permit respondent no.2 to carry out any inspection two days prior and two days after, any important religious/ festival/national holidays declared by the State/Central Government.

On the other hand, learned counsel for the respondent no.1 submits that though they have received a communication dated 19th December, 2017 from the respondent no.2, recommending disapproval of the petitioner's application for the 12 Post-Graduate courses, the respondent no.1/UOI is still awaiting clarification from the respondent no.2 as to whether the said decision was taken with the approval of the Oversight Committee appointed by the Supreme Court of India.

In view of the categorical stand taken by learned counsel for the respondent no.2 that the said communication dated 19th December, 2017 was sent with the specific approval of the Oversight Committee appointed by the Hon'ble Supreme Court, it is deemed appropriate to

direct the respondent no.1 to pass a reasoned and speaking order conveying its final decision in respect of the petitioner's application for the twelve PG courses within ten days.

In case the petitioner is still aggrieved by the order passed by the respondent no.1, it would be free to take legal recourse as permissible under the law.

Needless to say, the present order is being passed without prejudice to the respective rights and contentions of the parties.

The petition is disposed of in the above terms.

A copy of this order may given *Dasti* under the signature of Court Master.

JANUARY 24, 2018/aa

REKHA PALLI, J