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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3776/2018 & C.M. No.14963-14964/2018

KRISHNA MOHAN MEDICAL COLLEGE & HOSPITAL

..... Petitioner

Through: Mr.J.S. Bhasin with Mr.Nishant
Shokeen, Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Amrit Pal Singh, Adv. for
R-1/UOI.
Mr.T. Singhdev with Ms. Michelle
Biakthansangi Das & Ms.Amandeep
Kaur, Advs. for R-2/MCI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **17.04.2018**

C.M. No.14964/2018

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3776/2018 & C.M. No.14963/2018

Vide the present petition, the petitioner has sought quashing of the decision dated 30.10.2017 taken by the respondent-MCI recommending disapproval of the petitioner's application seeking renewal of the permission of the 3rd batch of MBBS course for the academic year 2018-19.

Mr.T. Singhdev, Advocate who appears on advance notice for respondent No.2/MCI submits that the present petition is not maintainable as the petitioner's writ petition being W.P.(C)

No.448/2017 challenging the respondent no.1/UOI orders dated 31.05.2017 & 10.08.2017 debarring the petitioner college from admitting students in the MBBS course for the academic years 2017-18 and 2018-19, is already pending consideration before the Supreme Court.

Mr. Singhdev draws my attention to Para 21 of order dated 01.09.2017 passed by the Supreme Court in the aforesaid writ petition whereby the respondent no.2 was directed to cause a fresh inspection of the petitioner's college for the academic year 2018-2019 and thereafter file the inspection report before the Court within a period of eight weeks.

Mr.Singhdev further submits that in terms of the aforesaid order of the Supreme Court, an inspection of the petitioner was conducted by the respondent no.2 for academic year 2018-19 and a copy of this fresh inspection report has already been filed before the Hon'ble Supreme Court by the petitioner by way of IA No.73716/2017, which application is still pending consideration before the Supreme Court.

At this stage, it may be appropriate to refer to the relevant extract of order dated 1st September, 2017 passed by the Hon'ble Supreme Court in the aforesaid petition and the same, reads as under:-

“However, as the Act and Regulations framed thereunder have been envisioned to attain the highest standards of medical education, we direct the Central Government/MCI to cause a fresh inspection of the petitioner college/institution to be made in accordance therewith for the academic year 2018-19 and lay the report in respect thereof before this Court within a period of eight weeks herefrom. A copy of the report, needless to state, would be

furnished to the petitioner college/institution at the earliest so as to enable it to avail its remedies, if so advised, under the Act and the Regulations. The Central Government/MCI would not encash the bank guarantee furnished by the petitioner college/institution. For the present, the impugned order dated 10.8.2017 stands modified to this extent only. The direction for a writ, order or direction to the respondents to permit the petitioner college/institution to admit students for the academic year 2017-18, in the facts of the case, is declined. The Registry would list the writ petition and I.A. No. 73716 of 2017 immediately after the expiry of period of eight weeks, as above mentioned.”

In view of the aforesaid admitted position that the petitioner’s writ petition, challenging the validity of the Union of India’s order debarring the petitioner for the years 2017-2018 and 2018-2019 is still pending consideration before the Supreme Court and the inspection report for the academic year 2018-19 has already been filed before the Hon’ble Supreme Court, I am of the considered opinion that the present petition is not maintainable before this Court at this stage.

The petition alongwith pending application is dismissed.

It is made clear that this Court has not expressed any opinion on merits.

REKHA PALLI, J

APRIL 17, 2018/gm