

W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

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Reserved On : 10.01.2025

Delivered On : 28.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

**W.P.(MD)Nos.126, 127, 128, 129, 130, 131, 132, 133, 134, 135,
447, 448, 449, 450, 451, 452, 453, 454, 455 and 456 of 2025**
and

**W.M.P.(MD)Nos.114, 117, 128, 132, 133, 134, 122, 125, 127, 120,
123, 126, 115, 116, 118, 119, 121, 124, 129, 130, 131, 136, 137,
139, 135, 138, 140, 141, 142, 143, 291, 292, 296, 293, 294, 298,
303, 305, 307, 295, 297, 299, 328, 329, 331, 300, 301, 304, 306,
309, 311, 313, 315, 320, 308, 310, 312 of 2025**

W.P.(MD)No.126 of 2025:-

M/s.Srinivasan Medical College and Hospital,
(Dhanalakshmi Srinivasan University)
NH-45, Trichy Chennai Trunk Road
(Near Samayapuram Toll Plaza),
Samayapuram,
Tiruchirapalli.

... Petitioner

Vs.

1.Union of India,
(Through its Deputy Secretary)
Ministry of Health and Family Welfare,
Nirmanbhawan,
New Delhi.

2.National Medical Commission
Medical Assessment and Rating Board (MARB),
Through its Secretary,
Pocket-14, Sector -8
Dwarka, Phase-1,
New Delhi-77.



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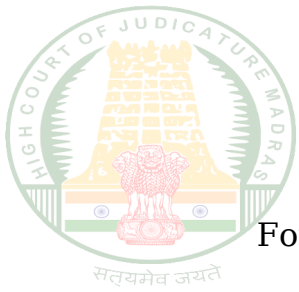
3.The Medical Assessment and Rating Board (MARB),
Rep by its Member / President,
National Medical Commission,
Pocket-14, Sector -8,
Dwarka, Phase-1,
New Delhi-77.

4.State of Tamil Nadu,
Through Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai.

5.The Secretary,
Selection Committee,
Kilpauk,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings No.V.11013/361/2024-ME-I dated 24.12.2024 and quash the same as illegal, arbitrary and without jurisdiction and consequently directing the respondent Nos.2 and 3 to issue letter of approval with respect to the petitioner application seeking intake of 10 PG seat in discipline of MS-Orthopaedics for the academic year 2024-2025 and further directing the 4th and 5th respondents to include the name of the petitioner college in the state counselling for allotment of students to fill up 10 PG seats in 10 seats in MS-Orthopaedics for the academic year 2024-2025 in order to ensure that al the 10 seats in the petitioner college are filled up by allocation of students for the academic year 2024-2025 by the competent authority.



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For Petitioner : Mr.Manider Singh, Senior Advocate
For B.Saravanan Associates
For 1st Respondent : Mr.AR.L.Sunderesan
Additional Solicitor General of India
Assisted by Mr.K.Govindarajan
Deputy Solicitor General of India
For Respondents 2 & 3 : Ms.Subharanjini Anandh
For Respondents 4 & 5 : Mr.T.Amjad Khan,
Government Advocate

COMMON ORDER

Factual Matrix:-

These cases are with respect to the order passed by the first respondent in the second appeal filed under Section 28(6) of the National Medical Commission Act, 2019, (herein after to be mentioned as NMC Act) by the writ petitioner Medical College regarding starting of new PG courses for 21 disciplines of broad and super speciality Post Graduate medical education, rejecting the second appeal, thereby confirming the decision of the first appeal Committee, that is, the second respondent dated 05.08.2024, which upheld the decision of the third respondent, that is, the Medical Assessment and Rating Board (herein after to be mentioned as MARB) dated 13.06.2024.

2.The writ petitioner College was established during the academic year 2021 - 2022 with an intake of 150 seats in the MBBS course. On 16.08.2023, the third respondent issued a public notice, inviting applications for starting New Courses/Increase of seats in Post Graduate



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courses, for the academic year 2024 - 2025. Pursuant to such notice, the petitioner college submitted applications for 21 disciplines of broad and super speciality Post Graduate medical education. Final order regarding the application of the petitioner College for starting new PG courses was passed by the third respondent on 13.06.2024, by issuing a letter of disapproval. The said letter of disapproval was issued on the basis of the review of the standard assessment form submitted by the petitioner College conducted by the third respondent Board along with the group of experts and review committee, on the basis of MARB Regulations, 2023, published on 2nd June 2023, PG - Medical Education Regulation, 2000, issued on 22nd August, 2000. Such letter of disapproval for the application of the petitioner College for the academic year 2024 - 2025 was issued as per Section 28(3) proviso of the NMC Act, 2019, for not complying attendance, as per the AEBAS attendance per unit and for non- availability of Essentiality Certificate.

3.Following which, a show cause notice dated 28.03.2024, came to be issued by the third respondent with respect to the application of the petitioner college for 21 disciplines of broad and super speciality Post Graduate medical education for the academic year 2024 – 2025, directing the petitioner college to perform self assessment of its application as mentioned in Post Graduate Medical Education Regulation, 2000, and submit the report and also a compliance report on the

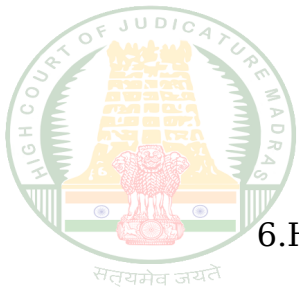


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deficiencies/inadequacies pointed out in the letter of disapproval along with duly filled and signed affidavit within 10 days from the date of issuance of the said show cause notice.

4.However, the petitioner college preferred first appeal before the second respondent on 04.07.2024, in this regard. The second respondent by E-mail dated 05.08.2024, communicated the petitioner college that the first appeal Committee after hearing the college authority and re-verifying the documents and records and pointing out the fact that the petitioner college do not have Essentiality Certificate upheld the decision of the third respondent/MARB. Hence, the petitioner College preferred second appeal before the first respondent on 12.09.2024. The first respondent by order dated 24.12.2024 and 08.01.2025 respectively, rejected the second appeal by the petitioner College for starting various disciplines of broad and super speciality Post Graduate medical education by separate rejection orders on the same day.

5.Challenging the rejection of these second appeals, the petitioner College has filed these Writ Petitions and as far as the Writ Petition in W.P.(MD)No.452 of 2025, the petitioner college has sought for a direction to the respondents to permit them to commence MD community medicine.



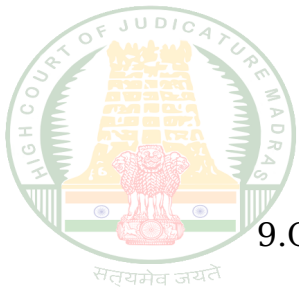
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6.Heard the resounding submission of the learned Senior Counsels Mr.Maninder Singh and Mr.B.Saravanan, for the petitioner College, the learned counsel for the second and third respondents, Ms.Subbaranjini, and the learned Additional Solicitor General of India, Mr.A.R.L.Sunderesan, for the first respondent, the learned Government Advocate, Mr.Amjad Khan for the fourth and fifth respondents at length.

7.This case is primarily concerned with the question whether the first respondent is justified in passing the order dated 24.12.2024 and 08.01.2025 respectively, rejecting the second appeal, more particularly with respect to the applications for 21 disciplines of broad and super speciality Post Graduate medical education submitted by the petitioner College.

Submissions:-

8.The learned Senior Counsel Mr.Maninder Singh who appeared for the petitioner college submitted that Clause 11.1 of the 2000 Regulations stipulates a requirement of 1 Professor, 1 Associate Professor, 1 Assistant Professor, 1 Senior Resident and 2 Junior Residents to constitute one (1) unit in a board speciality course. In case there are multiple units, the associate professor can be the unit chief along with two assistant professors. 1 unit comprises of 30 beds.



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9. Clause 12(1) of the 2000 Regulations stipulates that the Professor : Student ratio shall be 1:2 whereas; for other cadres (Associate Professor), the ratio stands at 1:1. He drew the attention of this Court to the relevant provision, which is extracted as follows:-

“.....The ratio of recognised postgraduate teacher to the number of students to be admitted for the degree course where diploma is not prescribed shall be 1:2 for a Professor and 1:1 for other cadre covered by a general note following this rule in each unit per year subject to a maximum of 5 PG seats for the degree per unit per academic year provided a complement of 10 teaching beds is added to the prescribed bed strength of 30 for the unit for broad specialities.....”

10. Further, for the courses of Anesthesiology, Forensic Medicine and Psychiatry [pre and para-clinical subjects], the ratio of Professor : Student stands at 1:3 and for other cadres (Associate Professor), the ratio stands at 1:1. He categorically submitted that, for para and pre-clinical subjects such as Anesthesiology, Forensic Medicine and Psychiatry, the requirements of units and beds do not apply as per Clause 12(3) of the 2000 Regulations. To substantiate the same, he drew my attention to the relevant portion which is extracted as follows:-

“....The requirement of units and beds shall not apply in the case of Postgraduate degree or diploma courses in Basic and para-clinical departments...”



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11.To demonstrate that the petitioner College is entitled to be sanctioned with the applied PG seats, he explained the following facts:-

MS – ORTHOPAEDICS

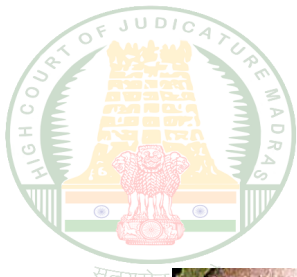
S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available
1	W.P(MD)No.126 of 2025	Orthopaedics	10	Professor	4
				Associate Professor	2
				Assistant Professor	2
				SR	2

The Petitioner had applied for 10 seats. As per the available faculty, 5 Professors and 2 Associate Professors. Attendance is deficient for 1 Professor, but only 4 Professors and 2 Associate Professors are required to fulfil the requirements for the 10 seats applied for by the Petitioner [$4 \times 2 = 8$ & $2 \times 1 = 2$. $8+2=$ 10 seats]. The Petitioner-College is entitled to 10 seats as applied for.

MS – OPHTHALMOLOGY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available
2	W.P(MD)No.127 of 2025	Ophthalmology	5	Professor	2
				Associate Professor	1
				Assistant Professor	2
				Senior Resident	2

The attendance of 1 Associate Professor is not fully 75%, but however, the attendance shall be fully achieved before the admission of the students in this PG course and shall be maintained. The faculty requirement is complete. There are 2 professors. The Petitioner is eligible for 5 seats at least [$2 \times 2 = 4$ & $1 \times 1 = 1$. Therefore, 5 seats].



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MS – FORENSIC MEDICINE AND TOXICOLOGY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available
3	W.P(MD)No.128 of 2025	Forensic Medicine & Toxicology	3	Professor	1
				Associate Professor	1
				Assistant Professor	1
				Tutor/Demonstrator/ SR	6

As per the Regulations, this discipline has a ratio of 1:3 for each Professor and there is no requirement of units or beds as per Clause 12.3 of the 2000 Regulations. The department comprises of 1 Professor. Therefore, the Petitioner is entitled for **3 seats** as applied for [$1 \times 3 = 3 \text{ seats}$]

MS – PHYSIOLOGY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available
4	W.P(MD)No.129 of 2025	Physiology	4	Professor	1
				Associate Professor	2
				Assistant Professor	3
				Tutor/Demonstrator/ SR	7

The Petitioner has **1** Professor and **1** Associate Professor. Therefore, the Petitioner is entitled to at least **3 seats** [$1 \times 2 = 2$ & $1 \times 1 = 1$. $2+1 = 3 \text{ seats}$]. The Petitioner-College, before the completion of the counselling process shall be having faculty for 4 seats as applied for.



MS – GENERAL MEDICINE

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available
5	W.P(MD)No.130 of 2025	General Medicine	25	Professor	10
				Associate Professor	5
				Assistant Professor	5
				SR	5

The Petitioner has 6 Professors, 5 Associate Professors along with 8 Assistant Professors. The Petitioner-College is having 3 surplus Assistant Professors over and above the requirement and is therefore entitled for 25 seats. The Petitioner is even now entitled for at least 17 PG seats in this discipline. The entitlement of the Petitioner would be for a minimum 17 seats. [$6 \times 2 = 12$ & $5 \times 1 = 5$. $12+5 = 17$ seats]

MS – ANATOMY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available
6	W.P(MD)No.131 of 2025	Anatomy	4	Professor	1
				Associate Professor	2
				Assistant Professor	3
				Tutor/Demonstrator/ SR	8

There are 3 Professors and all the 3 meet the AEBAS attendance requirement. There are no Associate and Assistant Professors. The requirement of Associate Professor and the Assistant Professor is met with by the two extra Professors in this Department and there is no deficiency. The Petitioner is entitled to 4 seats as applied for.



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MS – BIOCHEMISTRY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available	
7	W.P(MD)No.132 of 2025	Biochemistry	4	Professor	1	1
				Associate Professor	2	2
				Assistant Professor	1	2
				Tutor/Demonstrator/ SR	7	8

This department is fully compliant with the faculty requirement and entitled for **4 seats** as applied for [1x2 = 2 & 2x1 = 2. 2+2 = 4 seats].

MS – PAEDIATRICS

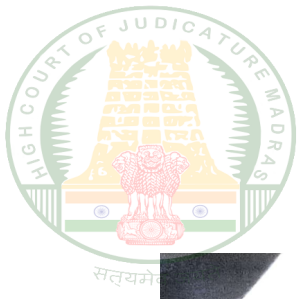
S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available	
8	W.P(MD)No.133 of 2025	Paediatrics	15	Professor	4	4
				Associate Professor	7	8
				Assistant Professor	0	5
				Senior Resident	3	4

This Department is fully compliant with the faculty requirement and entitled to **15 seats** as applied for [4x2 = 8 & 8x1 = 8. 8+8 = 16 seats. The Petitioner-College applied for only 15 seats as there is a maximum of 5 seats per unit].

MS – ANESTHESIOLOGY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available	
9	W.P(MD)No.134 of 2025	Anesthesiology	18	Professor	5	7
				Associate Professor	3	3
				Assistant Professor	3	5
				Senior Resident	4	6

As per the Regulations, there is a ratio of 1:3 for Professors in the Department and there is no requirement of units or beds as per Clause 12.3 of the 2000 Regulations. The Petitioner-College is fully compliant and entitled to **18 seats** as applied for [7x3 = 21 & 3x1 = 3. 21+3 = 24 seats. The Petitioner applied for 18 seats and is eligible for the same.]



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MS – PSYCHIATRY

S.No	Case No.	Name of the PG Discipline	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023	Faculty Available	
10	W.P(MD)No.135 of 2025	Psychiatry	5	Professor	1	1
				Associate Professor	1	3
				Assistant Professor	1	1
				Senior Resident	1	2

As per the Regulations, there is a ratio of 1:3 for Professors in the Department and there is no requirement of units or beds as per Clause 12.3 of the 2000 Regulations. 1 Associate Professor is deficient in attendance. The Petitioner-College is fully compliant and entitled to **5 seats** as applied for [**1**x3 = 3 & **2**x1 = 2. 3+2 = 5 seats].



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M.D. Pathology

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
1	W.P(MD)No.447 of 2025	8	Professor	3	3
			Associate Professor	1	2
			Assitant professor	4	5
			Tutor/Demonstrator/ SR	9	10

The Petitioner had applied for 8 seats. As per the available faculty, 3 Professors and 2 Associate Professors. [$3 \times 2 = 6$ & $2 \times 1 = 2$. $6+2= 8$ seats]. The Petitioner-College is entitled to 8 seats as applied for.

M.D. Pharmacology

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
2	W.P(MD)No.448 of 2025	4	Professor	2	3
			Associate Professor	1	0
			Assitant professor	3	3
			Tutor/Demonstrator/ SR	7	7

The Petitioner had applied for 4 seats. As per the available faculty, 3 Professors and 0 Associate Professors, The shortage of Associates professors are compensated by the excess 2 professors available [$3 \times 2 = 6$ & $2 \times 0 = 0$. $6+0=6$ seats]. The Petitioner-College is entitled to 4 seats as applied for.



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M.D. Microbiology

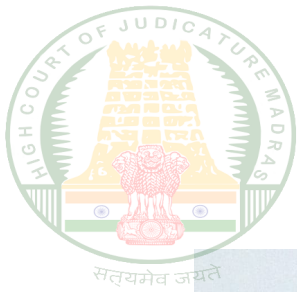
SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
3	W.P(MD)No.449 of 2025	4	Professor	1	3
			Associate Professor	1	1
			Assistant professor	3	3
			Tutor/Demonstrator/ SR	7	9

The Petitioner had applied for 4 seats. As per the available faculty, 1 Professors and 1 Associate Professors, available, The associates professor has less attendance in AEBAS, Therefore, the Petitioner is entitled to at least 2 seats [$1 \times 2 = 2$ & $1 \times 0 = 0$. $2+0= 2$ seats]. The Petitioner-College is entitled to 2 seats.

M.S. Obstetrics & Gynecology

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.450 of 2025	15	Professor	5	6
			Associate Professor	5	5
			Assitant professor	0	8
			SR	4	4

The Petitioner had applied for 15 seats. As per the available faculty, 6 Professors and 5 Associate Professors. [$6 \times 2 = 12$ & $5 \times 1 = 5$. $12+5= 15$ seats]. The Petitioner-College is entitled to 15 seats as applied for.



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M.S. General Surgery

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.451 of 2025	25	Professor	10	10
			Associate Professor	5	4
			Assistant professor	0	6
			SR	5	6

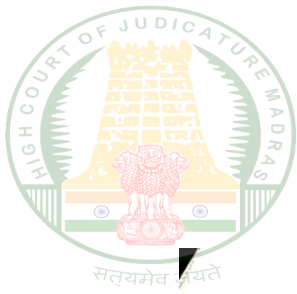
The Petitioner has 10 Professors, 4 Associate Professors along with 6 Assistant Professors.. The Petitioner is now entitled for at least 24 PG seats in this discipline. The entitlement of the Petitioner would be for a minimum 24 seats. [$10 \times 2 = 20$ & $4 \times 1 = 4$. $20 + 4 = 24$ seats]

M.D. Community Medicine

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.452 of 2025	8	Professor	3	3
			Associate Professor	2	3
			Assitant professor	5	3
			Tutor/Demonstrator/ SR	7	7

The Petitioner has 3 Professors, 3 Associate Professors along with 3 Assistant Professors.. The Petitioner is now entitled for at least 8 PG seats in this discipline. The entitlement of the Petitioner would be for a minimum 8 seats. [$3 \times 2 = 6$ & $3 \times 1 = 3$. $6 + 3 = 9$ seats]

Note: as per the letter dated 08.01.2025 by respondent No 1, respondent 3 issued the letter of Permission on 09.01.2025 for 3 intake for the academic year 2024 -2025, approvals copy are enclosed as annexures for your reference.



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M.D.Dermatology

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.453 of 2025	5	Professor	2	2
			Associate Professor	1	2
			Assitant professor	0	1
			SR	1	7

This department is fully compliant with the faculty requirement and entitled for 5 seats as applied for [2x2 = 4 & 2x1 = 2. 4+2 = 6 seats].

M.D. Radio and Diagnosis

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.454 of 2025	20	Professor	8	7
			Associate Professor	4	4
			Assitant professor	0	5
			SR	4	7

The Petitioner has 7 Professors, 4 Associate Professors along with 3 Assistant Professors.. The Petitioner is now entitled for at least 18 PG seats in this discipline. The entitlement of the Petitioner would be for a minimum 18 seats. [7x2 = 14 & 4x1 = 4. 14+4 = 18 seats]



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M.D. Emergency Medicine

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.455 of 2025	5	Professor	2	2
			Associate Professor	1	2
			Assitant professor	1	2
			SR	1	6

This department is fully compliant with the faculty requirement and entitled for 5 seats as applied for [$2 \times 2 = 4$ & $2 \times 1 = 2$. $4+2 = 6$ seats].

Respiratory Medicine

SNO	Case NO	Number of seats Applied	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Available
4	W.P(MD)No.456 of 2025	5	Professor	2	2
			Associate Professor	1	1
			Assitant professor	1	1
			SR	1	1

This department is fully compliant with the faculty requirement and entitled for 5 seats as applied for [$2 \times 2 = 4$ & $1 \times 1 = 2$. $4+1 = 5$ seats].

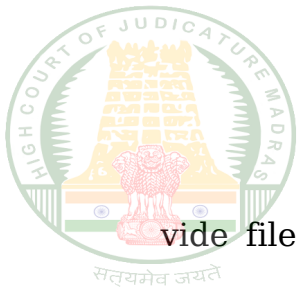


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12.The learned Senior Counsel, Mr.B.Saravanan, submitted that the letter of disapproval dated 13.06.2024, on considering the application made by the petitioner College came to be issued on two grounds, namely, lack of attendance of the faculty as per AEBAS attendance and non-availability of Essentiality Certificate. A show cause notice dated 28.03.2024, was also issued in this regard. Following which, when the petitioner College preferred first appeal before the second respondent on 04.07.2024, the decision of the second respondent was communicated to the petitioner College by the email dated 05.08.2024, in which only the absence of Essentiality Certificate was cited as a reason for rejection. Against which, when the second appeal was preferred before the first respondent vide impugned orders dated 24.12.2024 and 08.01.2025 respectively, the first respondent has once again gone into the aspect of non-availability of attendance of faculty as per AEBAS attendance and the non-availability of Essentiality Certificate.

13.The second respondent having dispensed with the non-availability of faculties in their order, the first respondent ought not to have gone into the same in their order. He also insisted that non-availability of Essentiality Certificate can never ever be fatal for the application made by the petitioner College for the sole reason that on 21.11.2024, the second respondent had informed the first respondent



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vide file No:M-19011/36/2024/NMC/PGMARB, that it has been decided by NMC to keep in abeyance the requirement of Essentiality Certificate for starting of new medical PG courses for the academic year 2024-2025. In view of the said communication, the first respondent ought not to have passed the order of rejection of second appeal on the reason of non-availability of Essentiality Certificate while the aspect of attendance has not been gone into by the second respondent in its first appeal and on that basis, pressed for allowing the Writ Petitions.

14.The learned Deputy Solicitor General of India submitted that, since the applicant College did not possess attendance of the faculty as per AEBAS attendance and due to the non-availability of Essentiality Certificate, on consideration of the submissions and documents made by the petitioner College and after due examination, the Central Government decided to reject the second appeal by the petitioner College for commencing 21 disciplines of broad and super speciality Post Graduate medical education and there is no irrelevance or illegality in the same, the same is in order and pressed for dismissal of Writ Petitions.

15.The learned counsel appearing for the second and third respondent, Ms.Subbaranjani, submitted that, dispensation of Essentiality Certificate, which was made available to those applicants for new medical PG courses for the academic year 2024-2025 by



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communication of the second respondent dated 21.11.2024, is available only for those institutions who possess available clinical material and faculties as per regulation and norms of the National Medical Commission. However, in the instant case, the letter of disapproval itself came to be issued by the third respondent only on the ground of lack of appropriate faculties as per regulations and norms of NMC. Hence, the writ petitioner cannot claim the benefit of the communication issued by the second respondent to the first respondent dated 21.11.2024, for not possessing Essentiality Certificate.

16.Further she reiterated that starting or commencing or running a medical college is not a fundamental right, but education is a fundamental right as such, though the policy of the Government is towards actively increasing the number of medical colleges, the primordial aspect which would be taken up for consideration by the third respondent while scrutiny of applications for commencing new PG courses would be to ensure, whether necessary knowledge, skill and qualitative medical education could be imparted by the institutions by appointing appropriate number of faculty and establishing proper infrastructure as per regulations and norms of the National Medical Commission. Only a properly trained student could effectively cater to the health needs of the people in a Country with a large population like India.



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17. More particularly, the dispensation of Essentiality Certificate could be considered only in cases of Colleges, which has been established and been running for several years and as far as the instant case is concerned, the petitioner College is a new College, which was commenced only in the year 2021-2022. She further categorically contended that the rejection of the application made by the petitioner College came to be made only after appropriate assessment of the standard assessment form submitted by the petitioner College by the third respondent with a group of experts and review committee. Only because of the fact that the petitioner College failed to fulfill the expectations and mandates of MARB Regulations, 2023 and PG - Medical Education Regulation, 2000, the applications came to be rejected and the same is in order and pressed for dismissal of the Writ Petitions.

Analysis:-

18. For maintaining highest standards in imparting medical education by Medical Colleges/Institutions in the Country, the Medical Council of India was constituted under the provisions of Indian Medical Council Act, 1956, (herein after to be mentioned as IMC Act). It had been the statutory duty of the Medical Council of India to take all such steps, which is required to be taken for ensuring the maintenance of highest standards in medical education in the Country. Now, the Medical Council



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of India has been dissolved and the National Medical Commission has stepped into the shoes of Medical Council of India. The National Medical Commission/the third respondent has been established to replace the Medical Council of India.

19.The National Medical Commission has been established under the National Medical Commission Act, 2019, (herein after to be mentioned as NMC Act, 2019). Though the IMC Act, 1956, has been repealed vide Government of India notification dated 25.09.2020 and NMC Act, 2019, has been enforced, however, Section 61 of the NMC Act, 1956, provides that notwithstanding the repeal of the IMC Act, 1956, the educational standards, requirements and other provisions of IMC Act, 1956 and the Regulations framed thereunder, shall continue to be enforced until new standards or requirements are specified under NMC Act, 2019. The relevant portion of the NMC Act, 2019, is extracted hereunder:-

“.....

61. Transitory provisions.—*(1)The Commission shall be the successor in interest to the Medical Council of India including its subsidiaries or owned trusts and all the assets and liabilities of the Medical Council of India shall be deemed to have been transferred to the Commission.*

(2)Notwithstanding the repeal of the Indian Medical Council Act, 1956 (102 of 1956), the educational standards, requirements and other provisions of the Indian Medical Council



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Act, 1956, and the rules and regulations made thereunder, shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made there under:

Provided that anything done or any action taken as regards the educational standards and requirements under the enactment under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.

.....”

20.The NMC is a statutory body constituted under Section 3 of the National Medical Commission Act, 2019, which came into force with effect from 08.08.2019. The National Medical Commission Act, 2019, provides for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the Country; that promotes equitable and universal health care that encourages community health perspective and makes services of medical professionals accessible to all the citizens; that promotes national health goals; that encourages medical professionals to adopt latest medical research in their work and to contribute to research; that has an objective periodic and transparent assessment of medical institutions and facilitates maintenance of a medical register for India and enforces high ethical



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standards in all aspects of medical services; that is flexible to adapt to the changing needs and has an effective grievance redressal mechanism and for matters connected therewith or incidental thereto.

21.The NMC is empowered to lay down policies for maintaining high quality and high standards in medical education and make necessary regulations in this behalf; lay down policies for regulating medical institutions, medical researchers and medical professionals and make necessary regulations in this behalf; access the requirements in health care, including human resources for health and health care infrastructure and develop a road map for meeting such requirements; promote, coordinate and frame guidelines and lay down policies by making necessary regulations for the proper functioning of the commission, the Autonomous Boards and the State Medical Councils; ensure coordination among the autonomous boards; take such measures as may be necessary, to ensure compliance by the State Medical Councils of the guidelines framed and regulations made under this Act for their effective functioning under this Act; exercise appellate jurisdiction with respect to the decisions of the autonomous boards; lay down policies and codes to ensure observance of professional ethics in medical profession and to promote ethical conduct during the provision of care by medical practitioners; frame guidelines for determination of fees and all other charges in respect of 50 percent of fees in private medical institutions



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and deemed to be universities which are governed under the provisions of the NMC Act; and exercise such other powers and perform such other functions as may be prescribed by the NMC Act, 2019.

22.The third respondent, that is, the Medical Assessment and Rating Board, is an autonomous board constituted under Section 16 of the NMC Act, 2019. The third respondent board is empowered to determine the procedure for assessing and rating the medical institutions for their compliance with standards laid down by the undergraduate medical education board or the postgraduate medical education board, as the case may be, in accordance with the regulations made under the NMC Act, 2019; grant permission for establishment of a new medical institution, or to start any Post Graduate course or to increase number of seats, in accordance with the provisions of Section 28; carry out inspections of medical institutions for assessing and rating such institutions in accordance with the regulations made under this Act; provided conduct, or where it deems necessary, empanel independent rating agencies to conduct, assess and rate, all medical institutions, within such period of their opening and every year thereafter, at such time, and in such manner, as may be specified by the regulations; make available on its website or in public domain the assessment and ratings of medical institutions at regular intervals in accordance with the Regulations made under the NMC Act, 2019; take such measures,



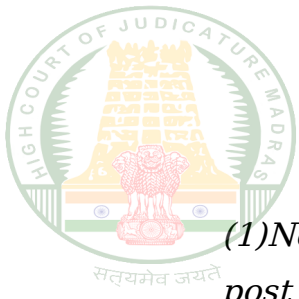
W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the commission for withdrawal of recognition, against any medical institution for failure to maintain the minimum essential standards specified by the Under Graduate medical education board or the Post Graduate medical education board, as the case may be, in accordance with the Regulations made under the NMC Act, 2016.

23.The third respondent may, if it deems necessary, hire and authorize any other third party agency or persons for carrying out inspections of medical institutions for assessing and rating such institutions. Where inspection of medical institutions is carried out by such third party agency or persons authorized by the third respondent, it shall be obligatory on such institutions to provide access to such agency or persons. The third respondent in discharge office function make such recommendations to and seek such directions from the NMC, as it deems necessary. In short, NMC is a statutory body constituted for the purpose of discharging the duty of maintenance of the highest standards of medical education throughout the Country.

24.Section 28 of the NMC Act, 2019, is extracted hereunder for the purpose of this case:-

“ 28. Permission for establishment of new medical college.



(1) No person shall establish a new medical college or start any post graduate course or increase number of seats without obtaining prior permission of the Medical Assessment and Rating Board.

.....

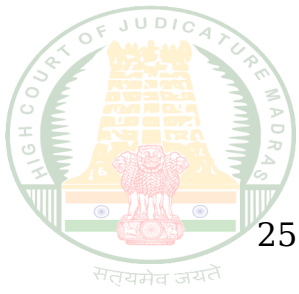
(5) Where a scheme is disapproved under sub-section (3), or where no decision is taken within six months of submitting a scheme under sub-section (1), the person concerned may prefer an appeal to the Commission for approval of the scheme within fifteen days of such disapproval or, as the case may be, lapse of six months, in such manner as may be specified by the regulations.

(6) The Commission shall decide the appeal received under sub-section (5) within a period of forty-five days from the date of receipt of the appeal and in case the Commission approves the scheme, such approval shall be the permission under sub-section (1) to establish a new medical college and in

case the Commission disapproves the scheme, or fails to give its decision within the specified period, the person concerned may prefer a second appeal to the Central Government within thirty days of communication of such disapproval or, as the case may be lapse of specified period.

(7) The Medical Assessment and Rating Board may conduct evaluation and assessment of any medical institution at any time, either directly or through any other expert having integrity and experience of medical profession and without any prior notice and assess and evaluate the performance, standards and benchmarks of such medical institution.

Explanation. - For the purposes of this section, the term "person" includes a University, trust or any other association of persons or body of individuals, but does not include the Central Government."

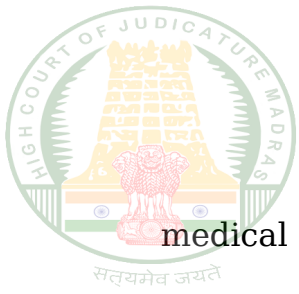


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25. More particularly, under Sections 10(g) and 22(3) of the NMC Act, 2019, any person aggrieved by the decision of the third respondent, may prefer an appeal to the second respondent. That apart, Section 9(6) of the NMC Act, 2019, provides that a person aggrieved by the decision of the National Medical Commission may prefer an appeal, within 30 days to the Government of India, that is, the first respondent.

26. In exercise of the powers conferred by Sub-section (2) of the Section 57 r/w. Sections 26, 28 and 29 of the NMC Act, 2019 (Act 30 of 2019); the NMC framed, "The Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for Existing Courses and Assessment and Rating Regulations, 2023", in short, "Establishment of Medical Institutions, Assessment and Rating Regulations, 2023" (hereinafter to be referred as the Assessment and Rating Regulations, 2023).

27. The third respondent by a public notice dated 16.08.2023, bearing No.NMC/MARB/2024-2025/047842, invited applications for Post Graduation courses - broad and super speciality courses; for new courses/increase of MD/MS, DM/M.Ch seats for the academic year 2024 - 2025. Pursuant to the same, the petitioner medical college made applications on 15.09.2023, for grant of approval/letter of permission for 21 PG medical disciplines and for starting admissions in all those PG

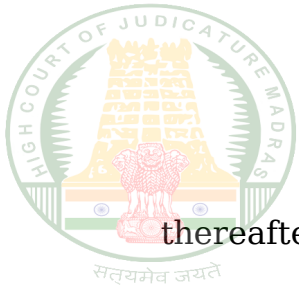


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medical courses for the academic year 2024 - 2025. On receipt of the said applications for various PG courses after initial scrutiny, certain deficiencies were identified by the third respondent. Hence, separate show cause notice dated 28.03.2024, came to be issued by the third respondent to the petitioner medical college pointing out the inadequacies in every application.

28.The non-availability of Essentiality Certificate and the lack of AEBAS attendance with respect to the faculty was considered for the period from **01.01.2024 to 29.02.2024**, directing the petitioner college to perform self-assessment of its application as mentioned in PG Medical Education Regulation, 2000, and submit a report within 10 days from the date of issuance of the said show cause notice; to submit the compliance report on the deficiencies/inadequacies and to submit the duly filled and signed affidavit within 10 days from the date of issuance of the aforesaid show cause notice. However, the petitioner College did not submit the self-assessment report, compliance report on the deficiencies/inadequacies and signed affidavit in the format attached in the aforesaid show cause notice within 10 days from the date of receipt of the show cause notice dated 28.03.2024.

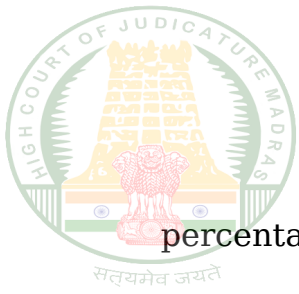
29.Due to the failure of the petitioner College to respond to the said show cause notice, the third respondent considered the AEBAS data and



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thereafter, forwarded the applications made by the petitioner College to the expert group for scrutiny and evaluation and on receipt of the report from the expert group, after final scrutiny, issued the letter of disapproval in each of the 21 applications on 13.06.2024. The main inadequacy pointed out in the letter of disapproval is also the non-availability of Essentiality Certificate and the inadequacy in the number of faculties as per AEBAS attendance. On receipt of the letter of disapproval issued by the third respondent, the petitioner College woke up suddenly and preferred a first appeal before the second respondent on 04.07.2024.

30. Even in the first appeal in the compliance report given by the petitioner Medical College, it has been stated that Essentiality Certificate is not available and that as per their request letter dated 30.03.2024 to the Principal Secretary, Department of Health and Family Welfare and Directorate of Medical Education, Tamil Nadu, the Directorate appointed a scrutiny team for verification for issuing the Essentiality Certificate to start PG courses and the inspection has been completed and that the College is awaiting for Essentiality Certificate from the government of Tamil Nadu. As far as the faculty position is concerned, the explanation submitted in the appeal is that during the month of January 2024 and February 2024, there had been a lot of festival holidays like pongal etc, because of the same AEBAS attendance percentage was less than 75



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percentage for most of the faculties and that due to biometric issues and resignation of some of the faculties, there had been a lack in AEBAS attendance for the period 1st January 2024 to 29th January 2024 and as new faculties were appointed in the place of relieved faculties AEBAS attendance is as per NMC norms for the period 1st May 2024 to 30th June 2024 and the same has been attached. However, the said appeal was conspicuously silent as to the faculty position and their AEBAS attendance for the period between 1st March and 30th April 2024.

31.The appeal dated 04.07.2024, submitted by the petitioner College was duly considered by the second respondent and the mail communication on 05.08.2024, was made by the second respondent to the petitioner College, communicating the decision of the first appeal committee that the appeal Committee heard the college authority and re-verified the documents and records and due to the acceptance of the college authorities that they do not have the Essentiality Certificate (EC), the committee had upheld the decision of the third respondent.

32.Against which, a second appeal was preferred by the petitioner College on 12.09.2024, before the first respondent, explaining that the petitioner College has had applied to the Principal Secretary, Department of Health and Family Welfare, Government of Tamil Nadu, and the Directorate of Medical Education, Tamil Nadu, for obtaining the



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Essentiality Certificate to their institution for starting the starting the new Post Graduate courses during the academic year 2024-2025 and the same has been duly received from the State Government for 21 departments, for which they have already made applications and the same may be taken into consideration and permit the college to start the Post Graduate courses in the institution during the academic year 2024-2025. The Essentiality Certificate dated 10.09.2024 was also enclosed by the petitioner College along with the second appeal. However, without considering the same, the Central Government after examination, rejected the second appeal by the petitioner College by the impugned order dated 24.12.2024 and 08.01.2025 respectively.

33.The learned Senior Counsels appearing for the petitioner Medical College categorically relying upon the case of the ***National Medical Commission versus the Principal, K.M.C.T. Medical College and Others¹*** submitted that making a party run from Court to Court to seek permission, specifically when the institute concerned is not a new institute and has been running for the past several years is only an attempt to harass the institution and the petitioner institution is not a new institution and categorically submitted that having not considered the factum of faculty position in the first appeal later in the second appeal, the first respondent ought not to have rejected the second appeal

¹SLP(C) No.-020091-020092 - 2024



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

on the grounds of faculty position and absence of Essentiality Certificate.

Both the learned Senior Counsels heavily relied upon the official communication dated 21.11.2024, between the second respondent and the first respondent in which it has been intimated to the first respondent that the NMC has decided to keep in abeyance the requirement of the Essentiality Certificate for starting of new medical PG courses for the academic year 2024-2025.

34.Thus, the two issues arising for consideration in the instant *lis* is as follows:-

“(1)Whether the petitioner can claim benefit of the exemption letter dated 21.11.2024, in respect of Essentiality Certificate ?

(2)Whether the faculty strength of the petitioner College met the requirements of the NMC regulations ?”

35.The notice inviting application for the commencement of PG medical courses for the academic year 2024-2025 was issued on 16.08.2023. On 15.09.2023, the applications for 21 PG courses was submitted by the College separately. After initial scrutiny on identifying certain deficiencies, the show cause notice was issued by the third respondent to the petitioner College on 28.03.2024. The show cause notice in serial no.2 specified that the Essentiality Certificate is inadequate and in serial no.5 specifically mentioned that data for AEBAS



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is liable to be considered for the period 01.01.2024 to 29.02.2024 and for such period, the attendance of the faculty should be at least 75 percentage and in paragraph no.2 of the show cause notice it is specified that the compliance report is to be submitted by the College within 10 days of the show cause notice.

36.It is only after this on 30.03.2024, the petitioner College applied seeking Essentiality Certificate to the State Government and that makes it clear that only after 6 months from the date of submission of the application form, the petitioner medical College had applied for an Essentiality Certificate to the Tamil Nadu State Government. In such request letter, it is admitted by the petitioner medical College in paragraph no.2 that during the academic year 2021- 2023, their Essentiality Certificate had expired and they further confirmed that the Essentiality Certificate is required for submission to the second respondent because the petitioner had applied for the various Post Graduate departments.

37.In the meanwhile, the letter of disapproval dated 13.06.2024, issued by the third respondent pointed out the same deficiencies cited in the show cause notice and the petitioner College without raising any demur or protest preferred a first appeal on 04.07.2024 before the second respondent. More particularly, with respect to the remark of the



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experts regarding non-availability of Essentiality Certificate, the writ petitioner College had duly responded that the Essentiality Certificate was awaited and that they had applied for it, without raising any protest or question regarding the requirement to produce the Essentiality Certificate.

38.Since it was admitted by the writ petitioner College itself that there is no Essentiality Certificate and the same is awaited and since the writ petitioner College was not able to provide any probable explanation for the inadequate faculties during the period 1st January 2024 to 29th February 2024, left with no other option the first appellate authority, that is, the second respondent confirmed the order of the third respondent, by rejecting the first appeal on 05.08.2024. In the meanwhile, on 10.09.2024, the petitioner College managed to obtain Essentiality Certificate.

39.Though the second appeal was preferred by the petitioner College enclosing the Essentiality Certificate on 12.09.2024, since no attempt was made by the petitioner College to satisfy the second appellate authority, that is, the first respondent with respect to the faculty deficiency, on 04.11.2024, vide letter bearing No.V. 11013/14/2019-ME-1 (FTS 8290596), the first respondent invited a Powerpoint Presentation for submission from the petitioner College to



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present the case of the said College vis-a-vis the disapproval letter of the NMC, that is, the second respondent, along with the requisite information on 07.11.2024 at 10.30 a.m. However, the AEBAS data submitted by the petitioner College was for a period of their own choice and not for the relevant period of 1st January 2024 to 29th February 2024.

40.In the meanwhile on 21.11.2024, a letter from the second respondent to the Central Government, that is, the first respondent clarified that the requirement to submit an Essentiality Certificate has been kept in abeyance for the academic year 2024-2025 **subject to the availability of clinical material and faculty**. Claiming the benefit of the aforesaid letter, the entire narration and argument of the petitioner College has been put forth by the learned Senior Counsels before me. Section 2 (f) of the Establishment of Medical Institutions, Assessment and Rating Regulations, 2023, define the term “Essentiality Certificate” as follows:-

“Essentiality Certificate”(in its abbreviated form EC) shall mean written permission from the central or concerned state government or the Union Territory administration as the case may be for the establishment of a new medical institution.”

41.Further Section 9(a) of the aforesaid Regulations, 2023, makes it clear that no application submitted by the eligible entity shall be entertained unless it is accompanied with Essentiality Certificate issued



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by the concerned State Government or Union Territory administration or the appropriate authority as the case may be unless otherwise specified and that the Essentiality Certificate shall be valid at the time of application.

42.However, it is the admitted case of the petitioner Medical College herein that at the time of making application they did not possess a valid Essentiality Certificate. It is the categorical contention of the learned Senior Counsel appearing for the petitioner medical college that the second respondent NMC had stood satisfied with the attendance/availability of the requisite faculty and had restricted the disapproval on the imaginary and unavailable illegal ground of non-submission of Essentiality Certificate and that the petitioner College had become entitled for grant of letter of permission for the various PG medical disciplines at the stage of the first appeal itself.

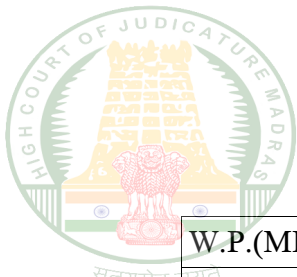
43.However, I am of the considered view that the communication made by the second respondent NMC to the first respondent vide file dated 21.11.2024, is with respect to the decision to keep in abeyance the requirement of the Essentiality Certificate for starting of new PG medical courses for the academic year 2024 – 2025, subject to the availability of clinical material and faculties as per regulations and norms of NMC. However, in the instant case, the show cause notice issued by the third



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respondent dated 28.03.2024, itself had made clear that the data for AEBAS attendance for the period 01.01.2024 to 29.02.2024 with respect to the attendance of faculty should be at least 75 percent, which would precisely indicate the non-availability of faculty.

44. Without proceeding to submit the compliance report in terms of the aforesaid show cause notice dated 28.03.2024, within 10 days of the show cause notice, the writ petitioner College proceeded to prefer a first appeal after the issuance of letter of disapproval by the third respondent on 13.06.2024. It is only on 04.07.2024, the first appeal was preferred by the petitioner College before the second respondent, that too, without complying the deficiencies pointed out in the show cause notice by submitting the relevant attendance data for the period from 01.01.2024 to 29.02.2024, but by submitting for a period of their own choice. For better clarity, the relevant period of the choice of the petitioner college for seeking grant of letter of approval as submitted in their affidavit and the impugned orders in all the 20 cases are extracted herein:-



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

W.P.(MD)No.126 of 2025:-

Table in the affidavit

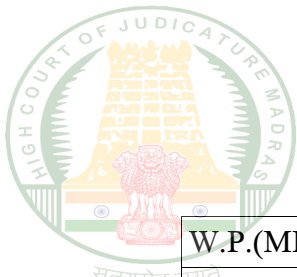
Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)	Remarks
Orthopaedics	10	Professor	4	5	1. Dr. Mathivanan	124	
					2. Dr. Prudveeraj Harashavarathan	121	
					3. Dr. Vallala Mallikarjun Rao	115	
					4. Dr. Gattu Ramachandra Reddy	120	
					5. Dr. Rohith Pannala Shah	37	
		Associate Professor	2	2	1. Dr. A Saravanan	100	
					2. Dr. G Thayumana Sundaram	104	
					3. Dr. M Praveen	103	
		Assistant Professor	2	5	2. Dr. T Vignesh Babu	103	
					3. Dr. C Fleming	105	
					4. Dr. S Rajkumar	100	
					5. Dr. Noordeen	92	
					1. Dr. N Khalid	104	
		SR	2	3	2. Dr. Ranjith Kumar D	124	
					3. Dr. Revanth	54	

Impugned order

5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MS(Orthopaedics) with 10 seats for the A.Y. 2024-25. citing the following:-

Detailed of Parameters	Remarks by Experts
Number of Units in the department as per the relevant PG MSR PG-Medical Education Regulation 2000	02 Unit (As per the AEBAS attendance unit is not completed). 

issued on 22.08.2000	
No. of faculties as per the relevant PG MSR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	As per AEBAS attendance(>=75%) from 1st Jan 2024 to 29th Feb 2024, Professor - Not available Associate Professor - 02 available Assistant Professor - 03 Available
Compliance Report given by the College (from Scrutiny form - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (10 seats) in MS (Orthopaedics) on dated 11/06/2024.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

W.P.(MD)No.127 of 2025:-

Table in the affidavit

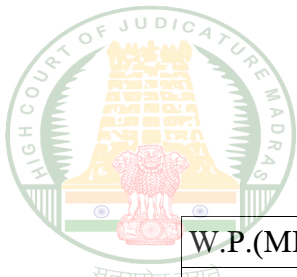
Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance (From 01.04.2024 to 30.12.2024)	Remarks
OPHTHALMOLOGY	5	Professor	2	2	Dr. Shitti Surendra	122	
					Dr. J Gnanaselvan	99	
		Associate Professor	1	1	Dr. Vavuluru Raj Yashwanth	57	
		Assistant Professor	2	2	Dr. Aravind	121	
					Dr. Mandla Naganjaneyulu	104	
					Dr. Nivedhitha	122	
		Senior Resident	2	3	Dr. Padmashri Raghavan	122	
					Dr. Ragavi Y	116	

Impugned order

5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MS(Ophthalmology) with 05 seats for the A.Y. 2024-25. citing the following:-

Detailed of Parameters	Remarks by Experts
Number of units in the department as per the relevant PG MSR PG-Medical Education Regulation 2000 issued on 22.08.2000	01 Unit (As per the AEBAS attendance unit not completed).
No. of faculties as per the	As per AEBAS attendance(>=75%) from 1st

relevant PG MSR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	Jan 2024 to 29th Feb 2024, Professor - 02 available Associate Professor - Not available Assistant Professor - 02 Available
Compliance Report given by the College (from Scrutiny from - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (05 seats) in MS (Ophthalmology) on dated 11/06/2024.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

W.P.(MD)No.128 of 2025:-

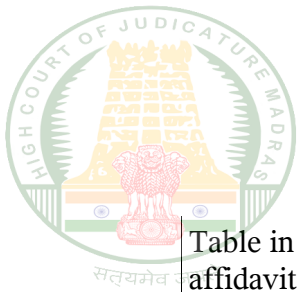
Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
FORENSIC MEDICINE & TOXICOLOGY	3	Professor	1	1	Dr. Natarajan Ganesan	108
		Associate Professor	1	0		
		Assistant Professor	1	2	Dr. Balamurugan Malayalan	12
					Dr. K M Siddhartha Prasad	101
		Tutor/Demonstrator/ SR	6	6	Dr. Anisha Mohamed Asif	92
					Dr. D Barathivelan	61
					Dr. Madheshwaran C R	22
					Dr. Ramkumar Govindan	42
					Dr. Ramkumar K	107
					Dr. Santhoshkumar Duraisamy	38

Impugned order

Detailed of Parameters	Remark by Experts
No. of faculties as per the relevant PG MSR PG Medical Education Regulation 2000 issued on 22.08.2000 (adequate/ not adequate)	As per the AEBAS attendance ($\geq 75\%$) from 1st Jan 2024 to 29 Feb 2024, Professor - 01 available Associate Professor - Not available Assistant Professor - Not available.
Compliance Report given by the College	Essential Certificate not available

W.P.(MD)No.129 of 2025:-



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR		Faculty Position	Name	AEBAS Attendance %
PHYSIOLOGY	4	Professor	1	1	K Rekha	101
		Associate Professor	2	1	T Manopriya	106
		Assistant Professor	3	2	Priyadharshini V	115
		Tutor/Demonstrator/ SR	7	8	Raghuvaran S	105
					B Aananthalakshmi	89
					B Rithika	58
					Gokularun Adhimulam	89
					Kishore Kumar Mariyappan	96
					Naveen Kumar S	54
					Siddhartha Senttamil	42
					Saravanarajamohan	122
					Vivekaanathan Bose	21

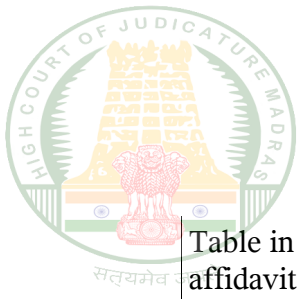
Impugned order

5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MD - Physiology with 04 seats citing the following:

Detailed of Parameters	Remark by Experts
No. of faculties as per the relevent PG MSR PG Medical Education Regulation 2000 issued on 22.08.2000(adequate/ not adequate)	As per the AEBAS attendance (=>75%) from 1st Jan 2024 to 29 Feb 2024, Professor - 01 available Associate Professor - Not available Assistant Professor - 01 available.

Compliance Report given by the College	Essential Certificate not available
Final Remarks by Committee: Committee reviewed the SAF and Scrutiny form of expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG course (04 seats) in MD - Physiology on dated 11/06/2024.	

W.P.(MD)No.130 of 2025:-

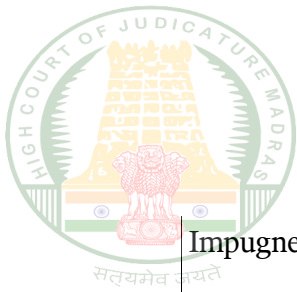


W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Table in the affidavit

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Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
General Medicine	25	Professor	7	6	1. Dr. Gireesh A S	123
					2. Dr. Shivaprakash B S	120
					3. Dr. Gouda Somappa Thippeswamy	107
					4. Dr. P Kanagaraj	113
					5. Dr Somnathg	112
					6. Dr Sudhaker Barla	105
		Associate Professor	7	5	1. DrChunduru Ramana Murthy	71
					2. Dr Jatin Vasant Pothuloori	84
					3. Dr Neeluru Anandakumar	114
					4. Dr Pradeep Mucharla	49
					5. Dr Sumit Suresh Agrawal	125
		Assistant Professor	5	8	1. Dr Anand Yuvaraj	62
					2. Dr J Harish	1
					3. Dr Manikandan V	104
					4. Dr P R Appan Prakash	59
					5. Dr Ravilla Raja	124
					6. Dr Revathy	121
					7. Dr S Muzzakar	116
					8. Dr Sugitha Devarajen Saratha	100
		SR	5	3	1. Dr Arunkumar R	112
					2. Dr K Satheesh Kumar	131
					3. Dr M Ezhilmathi	104
					4. Dr Patnam Anil Kumar	96
					5. Dr Prashanth M	24
					6. Dr Shubha Somasundaram	106
					7. Dr Yogalakshmee Arivazhaggan	123



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

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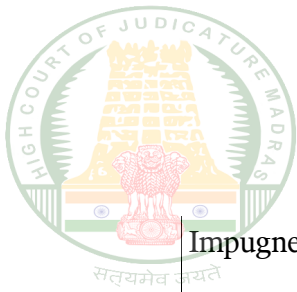
Detailed of Parameters	Remark by Experts
No. of units in the department as per the relevent PG MSR PG Medical Education Regulation 2000 issued on 22.08.2000	05 Units(As per the AEBAS attendance unit are not completed).
No. of faculties as per the relevent PG	As per the AEBAS attendance ($\Rightarrow$ 75%) from

MSR PG Medical Education Regulation 2000 issued on 22.08.2000(adequate/not adequate)	1st Jan 2024 to 29 Feb 2024, Professor - 01 available Associate Professor - Not available Assistant Professor - Not available.
Compliance Report given by the College	Essential Certificate not available

W.P.(MD)No.131 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR	Faculty Position	Name	AEBAS Attendance %	Remarks
ANATOMY	4	Professor	1	Jeyanthi Moikassamy	91	2 Excess Professors Compensated 2 Associates
				I Kayalvizhi	89	
				Perumal A	104	
		Associate Professor	2			
		Assistant Professor	3			
		Tutor/Demonstrator/ SR	8	Abishek Srinivasan	37	
				Chamuga J Jeshni	3	
				G R Edwin Moses	45	
				Gayathri Murugesan	114	
				Gowri Shankari P P	103	
				Kaniya Ravichandran	104	
				Laveena Kumar	40	
				Nivethitha Ramasamy	29	
				Praveenkumar Kanagaraj	104	
				Prema	107	



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

5. **Letter of Disapproval by MARB:** MARB had issued the letter of disapproval vide letter dated 13/07/2024 for starting of new PG course MD/MS-Anatomy for 4 seats for A.Y. 2024-25 to Srinivasan Medical College & Hospital, Tamil Nadu citing the following:

".....Medical Assessment and Rating Board along with the group of experts and review committee have reviewed the Standard Assessment Form (SAF) (submitted by your medical college/institution after self-assessment) on the basis of MARB regulations 2023 published on 2nd June, 2023, PG-Medical Education Regulation 2000 issued on 22nd August, 2000 and has observed the following

i. Essentially certificate is not available in compliance report given by the

College

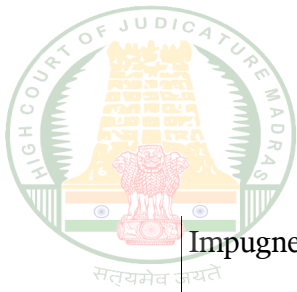
ii. Inadequate number of faculties as per the AEBAS attendance (>75%) from 1 Jan 2024 to 29 Feb 2024, Professor - 01 available, Associate Professor - not available, Assistant Professor - not available.

Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove increase intake of PG course (4 seats) in MD/MS-Anatomy on dated 11/07/2024.

W.P.(MD)No.132 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR		Faculty Position	Name of the Faculty
BIOCHEMISTRY	4	Professor	1	1	Dr. Doddi Doramma Naidu
		Associate Professor	2	2	Dr. Moonishaa T M
					Dr. Rasheed Khan Munaver Ali Kan
		Assistant Professor	1	2	Dr. Durga Sowmithri Kalaiselvan
					Dr. Magila Kumaravel
		Tutor/Demonstrator/ SR	7	8	Dr. Kalavathy S
					Dr. Arthiya D
					Dr. Dhaneswaran Shanmugam
					Dr. Gowtham M R
					Dr. Nandhakumar G
					Dr. Nithiyah Shri S
					Dr. Pavithra Thirunavukkarasu



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MD - Biochemistry with 04 seats citing the following:

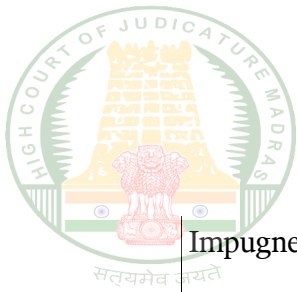
Detailed of Parameters	Remark by Experts
No. of faculties as per the relevent PG MSR PG Medical Education Regulation 2000	As per the AEBAS attendance (=>75%) from 1st Jan 2024 to 29 Feb 2024,

issued on 22.08.2000(adequate/ adequate)	not Professor - Not available Associate Professor - 03 available Assistant Professor - 01 available.
Compliance Report given by the College	Essential Certificate not available

W.P.(MD)No.133 of 2025:-

Table in the
affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)	Remarks
PAEDIATRICS	15	Professor	4	4	Dr. Srinivasa Rao Kulkarni	126	
					Dr. Kodali Radha Lavanya	37	
					Dr. Kotha Muralidhar Reddy	5	
					Dr. R Vinay Kumar	105	
		Associate Professor	7	8	Dr. I Venkatanagakaranmayee	121	
					Dr. Kalva Venkata Ramana	124	
					Dr. Md Saleem Ahmad	115	
					Dr. Nunna Satish	126	
					Dr. Shaik Reshma	77	
					Dr. Shivaashankari Dharmalingam	116	
					Dr. Sowmitra Suraneni	125	
					Dr. Venkata Reddy Suda	119	
		Assistant Professor	0	5	Dr. Gowshika Krishnakumar	14	
					Dr. Shanmuga Sundaram	35	
					Dr. Suganya R	101	
		Senior Resident	3	4	Dr. Syamili P	98	
					Dr. Vishnu Rajan Radhakrishnan	117	
					Dr. Ajay Subramanian	89	
					Dr. E S Elakeya	83	
					Dr. Kesavaraj Pallaviraja	90	
					Dr. Sasi Priyadharshini Jayakumar	6	



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MD(Paediatrics) with 15 seats for the A.Y. 2024-25, citing the following:-

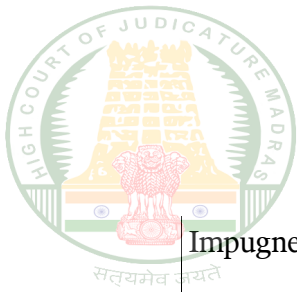
Detailed of Parameters	Remarks by Experts
Number of Units in the department as per the relevant PG MSR PG-Medical Education Regulation 2000 issued on 22.08.2000	03 Units (As per the AEBAS attendance unit are not completed).
No. of faculties as per the relevant	As per AEBAS attendance(=>75%) from 1st

PG MDR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	Jan 2024 to 29th Feb 2024, Professor - Not available Associate Professor - not available Assistant Professor - 03 Available
Compliance Report given by the College (from Scrutiny from - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (15 seats) in MD (Paediatrics) on dated 11/06/2024.

W.P.(MD)No.134 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
ANESTHESIOLOGY	13	Professor	5	7	Dr. Suresh Murugiah	89
					Dr. Abdul Hakkim	126
					Dr. Pavan Kumar Kakani	124
					Dr. Kedaravetty Vijaya Kumar	121
					Dr. Sakuntala Muniyandi	15
					Dr. Sarat Chand Ravipalli	121
		Associate Professor	3	3	Dr. Vimal Rayar	123
					Dr. Charupalli Rakesh	119
					Dr. Arjun N R	103
		Assistant Professor	3	5	Dr. Ramachandran Pandiyan	121
					Dr. Aruna I	123
					Dr. Harshprabhakaran Dharmalingam	100
					Dr. I Sowmya	105
		Senior Resident	5	6	Dr. Karthikeyan Asaithambi	37
					Dr. Nirmal Kumar M	102
					Dr. B Geethanjali	9
					Dr. Deepak Ramamoorthy	78
					Dr. R. Girish Soundhar	108
Dr. Ramanaa M	102					
				Dr. Savitha Manokaran	35	
				Dr. Venkat Narayanaa A	14	



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

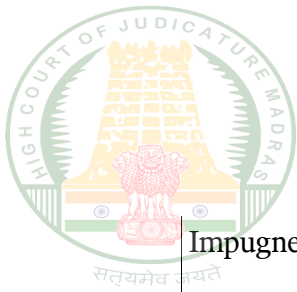
Impugned order

Detailed of Parameters	Remark by Experts
No. of faculties as per the relevent PG MSR PG Medical Education Regulation 2000 issued on 22.08.2000(adequate/ not adequate)	As per the AEBAS attendance (=>75%) from 1st Jan 2024 to 29 Feb 2024, Professor - 01 available Associate Professor - Not available Assistant Professor - Not available.
Compliance Report given by the College	Essential Certificate not available

W.P.(MD)No.135 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023			Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
PSYCHIATRY	4	Professor	1	1	Dr. M Rajiv Nanda	108
		Associate Professor	2	3	Dr. Arudhra	55
					Dr. Bammidi Ravi	115
					Dr. Shanmuganathan Balasubramanian	96
		Assistant Professor	1	1	Dr. Dharani Ethirajulu	50
		Senior Resident	1	2	Dr. Lakshmi Prabha Balakrishnan	90
					Dr. Saba Umehani Anees	121



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

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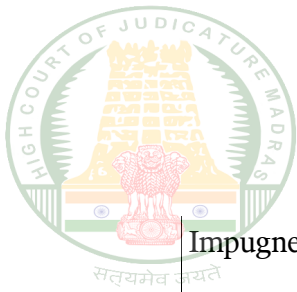
Detailed of Parameters	Remarks by Experts
Number of Units in the department as per the relevant PG MSR PG-Medical Education Regulation 2000 issued on	01 Unit (As per the AEBAS attendance unit is not completed).

22.08.2000	
No. of faculties as per the relevant PG MDR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	As per AEBAS attendance(=>75%) from 1st Jan 2024 to 29th Feb 2024, Professor - Not available Associate Professor - 01 available Assistant Professor - Not Available
Compliance Report given by the College (from Scrutiny from - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (05 seats) in MD (Psychiatry) on dated 11/06/2024.

W.P.(MD)No.447 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
PATHOLOGY	8	Professor	3	3	Dr. Sarada Venkateswaran	91
					Dr. Pradipta Kumar Rath	89
					Dr. Ronald J Bosco	105
		Associate Professor	1	2	Dr. Sandeep Srinivas V	0
					Dr. Sushil Trilokchand Agarwal	102
		Assistant Professor	4	5	Dr. D. Shanmuga Sundari	87
					Dr. Fathima Nifra M	96
					Dr. Lavanya R	97
					Dr. Vishaka Banu A.s	107
					Dr. Vivitha Vetrichelvan	105
		Tutor / Demonstrator / SR	9	10	Dr. A G Paveethra	99
					Dr. D Lakshmi Kanth	109
					Dr. Monisha Gurusamy Pandian	19
					Dr. Remughi Ganesan	102
					Dr. Asan Thasthagir Mohamed Ali Jinna	115
					Dr. K Madhan Kumar	99
					Dr. K Sharmila	114
					Dr. Narayanan Subramanian	106
					Dr. Sedhupadhi Settu	114
					Dr. Suresh Krishnan	34



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

5. Letter of Disapproval by MARB: MARB had issued the letter of disapproval vide letter dated 13/07/2024 for starting of new PG course MD-Pathology for 8 seats for A.Y. 2024-25 to Srinivasan Medical College & Hospital, Tamil Nadu citing the following:

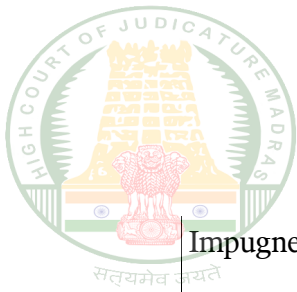
".....Medical Assessment and Rating Board along with the group of experts and review committee have reviewed the Standard Assessment Form (SAF) (submitted by your medical college/institution after self-assessment) on the basis of MARB regulations 2023 published on 2nd June, 2023, PG-Medical Education Regulation 2000 issued on 22nd August, 2000 and has observed the following

- Essentially certificate is not available in compliance report given by the College
- Inadequate number of faculties as per the AEBAS attendance (>75%) from 1 Jan 2024 to 29 Feb 2024 2024, Professor - 03 available, Associate Professor - 01 available, Assistant Professor - 02 available.

W.P.(MD)No.448 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)	Remarks
PHARMACOLOGY	4	Professor	2	3	Dr. Thamilarasi Sithan	106	
					Dr. Malliga Duraipandian	104	
					Dr. Nivethitha Thirugnanam	21	
		Associate Professor	1	0			1 Excess Professor Compensated 1 Associate Professor
		Assistant Professor	3	3	Dr. Amrutharajasaranya Tamilselvan	101	
					Dr. Palacherla Surekha	70	
					Dr. Vinoth Kumar Kalamani	114	
		Tutor / Demonstrator / SR	7	7	Dr. Naga Karthiram Guruprakash	104	
					Dr. Vaishali Annamalai	102	
					Dr. Koshini Sharuba Gobinathan	57	
					Dr. Meena M	50	
					Dr. Naveen Khobar S	108	
					Dr. Rajalingam	99	
					Dr. Vino Priva Durairai	49	



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

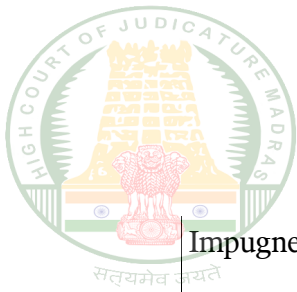
5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MD - Pharmacology with 04 seats citing the following:

Detailed of Parameters	Remark by Experts
No. of faculties as per the relevant PG MSR PG Medical Education Regulation 2000 issued on 22.08.2000(adequate/ not adequate)	As per the AEBAS attendance (>=75%) from 1st Jan 2024 to 29 Feb 2024, Professor - 02 available Associate Professor - Not available Assistant Professor - 03 available.
Compliance Report given by the College	Essential Certificate not available

W.P.(MD)No.449 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
MICROBIOLOGY	4	Professor	1	1	Dr. Sundaram Radhakumari	108
		Associate	1	1	Dr. Sangeetha	6
		Assistant Professor	3	3	Dr. Aruna Muhil Vannan	104
					Dr. J D Jahappriya	110
					Dr. Lakshmi K	97
		Tutor / Demonstrator / SR	7	9	Dr. K Vishnu Priya	100
					Dr. Shangamithra R	109
					Dr. Vasuki Raman	114
					Dr. Arjunbalaji Adhimoolam	91
					Dr. Asmitha Saravanan	72
					Dr. Lavanya Lakshmi Palaniappan	110
					Dr. Sinduja K	112
					Dr. Suren C	107
					Dr. Thirunavukarasu	98



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

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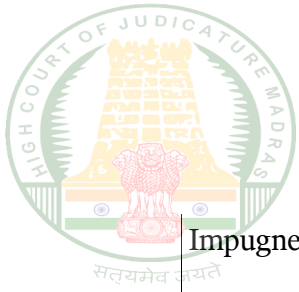
Detailed of Parameters	Remarks by Experts
No. of faculties as per the relevent PG MDR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	As per AEBAS attendance(>=75%) from 1st Jan 2024 to 29th Feb 2024, Professor - 02 available Associate Professor - Not available Assistant Professor - 02 Available
Compliance Report given by the	Essentiality certificate not available.

College (from Scrutiny from - 1)	
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (04 seats) in MD (Microbiology) on dated 11/06/2024.

W.P.(MD)No.450 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
OBSTETRICS & GYNAECOLOGY	15	Professor	5	6	1. Dr A.k. Chithra	114
					2. Dr D Anitha	122
					3. Dr Dilshath	15
					4. Dr G Sharada	92
					5. Dr Pillai Arthi Karunanithi	120
					6. Dr Viswanathan	116
		Associate Professor	5	5	1. Dr B Lalitha Devi	109
					2. Dr Kondrakunta Rohini	122
					3. Dr Niloufur Syed Bashutheen	16
					4. Dr Swamigari Pallavi	123
					5. Dr Tammareddy Himabindu	61
		Assistant Professor	0	8	1. Dr Abirami Raja	124
					2. Dr Akshaja Giridar	92
					3. Dr Arthi Gnanasundram	105
					4. Dr Dheepthambiga	112
					5. Dr Kamala.s	48
					6. Dr M R S Vimaladevi	26
					7. Dr Sharmiladevi Dandabani	0
					8. Dr Shobana S	54
		SR	4	5	1. Dr Asmitha Banu Abdul Kadar	14
					2. Dr J Shaheen	107
					3. Dr Neethi Scindia Shanmuga Nathan	32
					4. Dr Siva Sowmiya Duraarasan	106
					5. Dr Uma Maheswari R	101



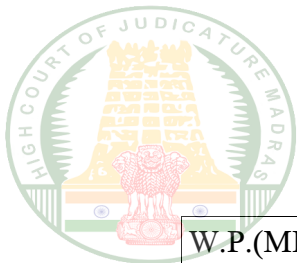
W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

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Detailed of Parameters	Remarks by Experts
No. of faculties as per the relevent PG MSR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	As per AEBAS attendance(=>75%) from 1st Jan 2024 to 29th Feb 2024, Professor - 02 available Associate Professor - Not available Assistant Professor - 02 Available

Compliance Report given by the College (from Scrutiny from - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (15 seats) in MS (Obstetrics & Gynaecology) on dated 11/06/2024.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

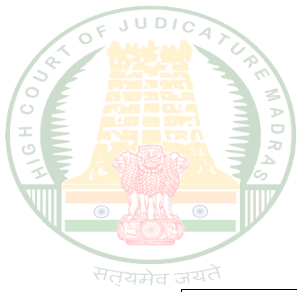
W.P.(MD)No.451 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
General Surgery	25	Professor	10	10	1. Dr Ajay Reddy Alugubelli	123
					2. Dr Dr B J Sharath Chandra	120
					3. Dr Itlapuram Rajendra Mohan	101
					4. Dr K Ramesh	123
					5. Dr Katragadda Satyendra Kumar	122
					6. Dr Kotapati Sri Charan	104
					7. Dr Rajagopal Palanivel	84
					8. Dr Thulasi A	115
					9. Dr Vishnukumar S	108
					10. Dr Yeganathan	125
		Associate Professor	5	4	1. Dr Beesam Venkatesham	124
					2. Dr Chekka Venkata Naga Govinda Ratna Ramanujam	77
					3. Dr Gundla Ramesh Babu	123
					4. Dr Perumalla Karthik Babu	121
		Assistant Professor	5	6	1. Dr Jairamkumar	104
					2. Dr Mohamed Arsath	107
					3. Dr Om Prakash M	111
					4. Dr S Syed Mohamed Aashiq	99
					5. Dr S Vijayasarathy	108
					6. Dr Thiruvallur Prabu Anand Vikramad	119
		SR	5	6	1. Dr Ganapathy Sitaraman Moorthy	14
					2. Dr J. John Anthony	107
					3. Dr Jeyamohan	32
					4. Dr Krithikaa Ezhilmani	106
					5. DrSam Ebenezer	101
					6. Dr Subashree S	108

Impugned order

Detailed of Parameters	Remarks by Experts
Number of units in the department as per the relevant PG MSR PG- Medical Education Regulation 2000 issued on 22.08.2000	05 Units (As per the AEBAS attendance only one unit is completed).
No. of faculties as per the relevant PG MSR PG- 2000 issued on	As per AEBAS attendance(>=75%) from 1st Jan 2024 to 29th Feb 2024,
22/08/2000 (Adequate/ Inadequate)	Professor - 02 available Associate Professor - Not available Assistant Professor - 04 Available
Compliance Report given by the College (from Scrutiny from - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (25 seats) in MS (General Surgery) on dated 11/06/2024.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

W.P.(MD)No.452 of 2025:-

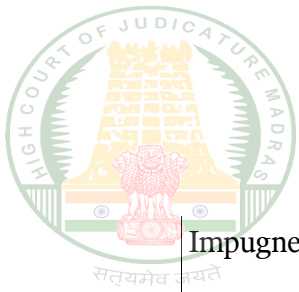
Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
COMMUNITY MEDICINE	8	Professor	3	4	Dr. Shankar S	91
					Dr. Narapureddy Bayapa Reddy	109
					Dr. Poyyamozi Janaki Sivakkannu	123
					Dr. Pradeepa Senthilkumar	106
		Associate Professor	2	2	Dr. Arun Kumar Devarajan	95
					Dr. Sudharsan Balasubramanian	114
		Assistant Professor	3	2	Dr. Sriranganathan Thirunavukkarasu	92
					Dr. Thimma Veenu Gayathri Kannan	106
		Tutor/Demonstrator/ SR	7	12	Dr. Aarth Arumugam	107
					Dr. Balaji Selvaraju	105
					Dr. Nigilesh Sundar M	101
					Dr. Suriya Deva Anbalagan	102
					Dr. Krithika S	52
					Dr. Niketha Gnanasundaram	97
					Dr. Mohamed Ashik	113
					Dr. Mahendran M	50
					Dr. S Nathiga	58
					Dr. S Vignesh	83
					Dr. Suriyavel S	102
					Dr. Vijayavignesh T	45

W.P.(MD)No.453 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
Dermatology / Skin & VD / Venerology & Leprosy / STD	5	Professor	2	2	Dr. R Rajalakshmi	98
					Dr. S Showkath Ali	126
		Associate Professor	1	2	Dr. Annie Priyadharshini Inbamani	105
					Dr. K. Vivekanandh	108
		Assistant Professor	1	1	Dr. Gayathri Sundaram	123
		Senior Resident	1	2	Dr. Rupan	1
					Dr. Vignesh Kumar Shanmugam	121



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

Impugned order

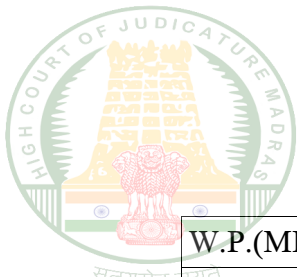
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5. Letter of Disapproval by MARB: MARB had issued the letter of disapproval vide letter dated 13/07/2024 for starting of new PG course MD-Dermatology for 5 seats for A.Y. 2024-25 to Srinivasan Medical College & Hospital, Tamil Nadu citing the following:

".....Medical Assessment and Rating Board along with the group of experts and review committee have reviewed the Standard Assessment Form (SAF) (submitted by your medical college/institution after self-assessment) on the basis of MARB regulations 2023 published on 2nd June, 2023, PG-Medical Education Regulation 2000 issued on 22nd August, 2000 and has observed the following

i. Essentially certificate is not available in compliance report given by the College

ii. Inadequate number of faculties as per the AEBAS attendance (>75%) from 1 Jan 2024 to 29 Feb 2024 2024, Professor - 01 available, Associate Professor - not available, Assistant Professor - 01 available.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

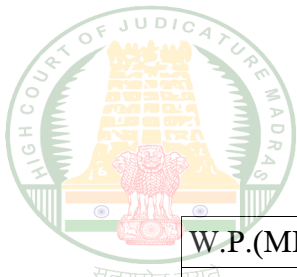
W.P.(MD)No.454 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
Radiology / Radio Diagnosis	20	Professor	8	7	Dr. Vinoth Rayar	80
					Dr. Taheer Khan Tadakod	70
					Dr. Gowtham Krishna Jasti	117
					Dr. Karri Swamy	118
					Dr. Karthikeyan Balakrishnan	85
					Dr. Utpal Das	122
					Dr. Yogaraj Subiramaniyan	123
		Associate Professor	4	4	Dr. Abdullah	114
					Dr. Buddharaju Surya Rekha	118
					Dr. Kamatam Nagaveni	119
					Dr. Pabba Mithila	76
		Assistant Professor	0	5	Dr. Alamelu Mahalingam	25
					Dr. Cibi M	103
					Dr. Mohamed Muzaffer Mohamed Ghouse	119
					Dr. Prakash A	112
					Dr. Samal Puhazhendi	111
		Senior Resident	4	4	Dr. Ashwin Suresh	35
					Dr. Karthik Senthilvel	111
					Dr. Meenakshi Janakiram	108
					Dr. Vishnukarthikraj Rajesh	95

Impugned order

Detailed of Parameters	Remarks by Experts
No. of faculties as per the relevant PG MDR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	As per AEBAS attendance(>=75%) from 1st Jan 2024 to 29th Feb 2024, Professor - Not available Associate Professor - Not available
Compliance Report given by the College (from Scrutiny from - 1)	Assistant Professor - 03 Available Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (20 seats) in MD (Radio Diagnosis) on dated 11/06/2024.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

W.P.(MD)No.455 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
EMERGENCY MEDICINE	5	Professor	2	2	Dr. Moturu Venkata Narasimha Prasad	122
					Dr. Burra Madhukar Goud	104
		Associate Professor	1	2	Dr. Chandrakanti Anjaneyulu Chaitanya	84
					Dr. Thumu Sree Hari Reddy	126
		Assistant Professor	1	1	Dr. Prashanth R E	119
					Dr. D Kartheek	76
		Senior Resident	1	9	Dr. Golla Anil Kumar	69
					Dr. Karamtoat Sugali Kishore	96
					Dr. Mallarapu Rajasekhar	127
					Dr. Mohammed Nazeem	108
					Dr. N Madhu	111
					Dr. Nagula Akhila	118
					Dr. Rapelly Kamaladhar	128
					Dr. Suguru Ravi Kumar	120

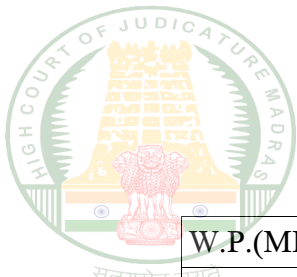
Impugned order

5. Letter of Disapproval by MARB: MARB had issued the letter of disapproval vide letter dated 13/07/2024 for starting of new PG course MD-Emergency Medicine for 5 seats for A.Y. 2024-25 to Srinivasan Medical College & Hospital, Tamil Nadu citing the following:

".....Medical Assessment and Rating Board along with the group of experts and review committee have reviewed the Standard Assessment Form (SAF) (submitted by your medical college/institution after self-assessment) on the basis of MARB regulations 2023 published on 2nd June, 2023, PG-Medical Education Regulation 2000 issued on 22nd August, 2000 and has observed the following

i. Essentially certificate is not available in compliance report given by the College

ii. Inadequate number of faculties as per the AEBAS attendance (>75%) from 1 Jan 2024 to 29 Feb 2024, Professor - not available, Associate Professor - not available, Assistant Professor - 01 available.



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

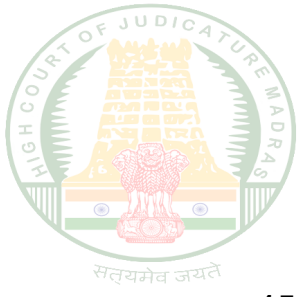
W.P.(MD)No.456 of 2025:-

Table in the affidavit

Name of the PG Discipline	Number of seats sought	Faculty Required As per PG MSR 2000 & UG MSR 2023		Faculty Position	Name of the Faculty	AEBAS Attendance % (From 01.04.2024 to 30.12.2024)
RESPIRATORY MEDICINE	5	Professor	2	2	Dr. Nagaraju Boyilla	116
					Dr. Sudhir Prasad	90
		Associate Professor	1	1	Dr. Kathi Raja Sekhar	116
		Assistant Professor	1	4	Dr. Bharat Shenbagaraj	119
					Dr. Deepan V	104
					Dr. Ragaselvi Suresh	105
					Dr. Selvapandiyan Duraisamy	99
		Senior Resident	1	1	Dr. Mohammed Jahangir Sultan	121

Impugned order

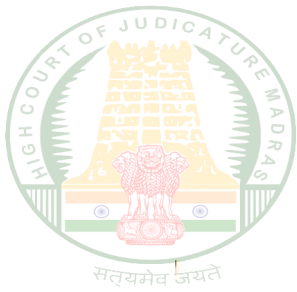
Detailed of Parameters	Remarks by Experts
Number of units in the department as per the relevant PG MDR PG-Medical Education Regulation 2000 issued on 22.08.2000	01 Units (As per the AEBAS attendance unit not completed). 123
No. of faculties as per the relevant PG MDR PG- 2000 issued on 22/08/2000 (Adequate/ Inadequate)	As per AEBAS attendance(>=75%) from 1st Jan 2024 to 29th Feb 2024, Professor - 01 available Associate Professor - Not available Assistant Professor - Not Available
Compliance Report given by the College (from Scrutiny from - 1)	Essentiality certificate not available.
Final Remarks by Committee	Committee reviewed the SAF and Scrutiny form of Expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG Course (05 seats) in MD (Respiratory Medicine) on dated 11/06/2024.



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45.A careful perusal of the extracted details itself would show that, even if the details sought for, by the issuance of show cause notice dated 28.03.2024, was with respect to the period from 1st January 2024 to 29th February 2024 and the period relied upon by the writ petitioner College is from 01.04.2024 to 30.12.2024 without disclosing the details from 01.03.2024 to 31.03.2024, since the same will not fulfill the faculty requirements as per PG Medical Education Regulations, 2000, and UG Medical Education Regulations. As far as the dispensation of the production of Essentiality Certificate as claimed by the petitioner College, the relevant communication dated 21.11.2024, issued by the second respondent to the first respondent is extracted as follows:-



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ANNEXURE - R2-3/2

File No.: M-19011/36/2024/NMC/PGMARB
Government of India
National Medical Commission
O/o Secretary

Dated 21-11-2024

To,
Additional Secretary (ME)
Ministry of Health & Family Welfare

Subject : Issue of requirement of Essentiality Certificate for Medical Institutions - reg

Ref: 1. Letter No. No. CDN-16015/3/2024-COORD-NMC Part(I) dated 04-11-2024 from this office.

Kind attention is invited towards the cited subject and the referred DO letter from this office vide which clarification on requirement of Essentiality Certificates was furnished to MoH&FW. In this regard following development is submitted to MoH&FW,

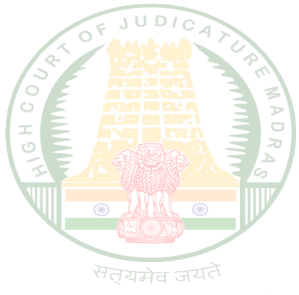
- a. A meeting was held under chairmanship of Dr. Vijay Oza, Chairman (looking after), NMC on 18-11-2024 to discuss the problem in deciding the permission of starting PG courses (at various levels) based non-availability of only Essentiality Certificate and problems arising out of ambiguity in decisions taken by MARB on the applications received as per public notice dated 16-08-2023.
- b. Further, the issue was also circulated to Secretary NMC and all members of the NMC vide email dated 20-11-2024.
- ii. Based on above, the National Medical Commission decided to keep in abeyance the requirement of the Essentiality Certificate for starting of new Medical PG courses for the Academic Year 2024-25, subject to the availability of clinical material & faculties as per regulations & norms of NMC.
- iii. This is submitted to Ministry of Health & Family Welfare for necessary action please.

Signed by B Srinivas
Date: 21-11-2024 17:56:27

Prof. (Dr.) B Srinivas
Secretary

Copy to,

1. PPS to Secretary (Health), Ministry of Health & Family Welfare
2. PPS to Chairman, NMC
3. PPS to President PGMEB/UGMEB/MARB
4. Joint Secretary (ME), Ministry of Health & Family Welfare



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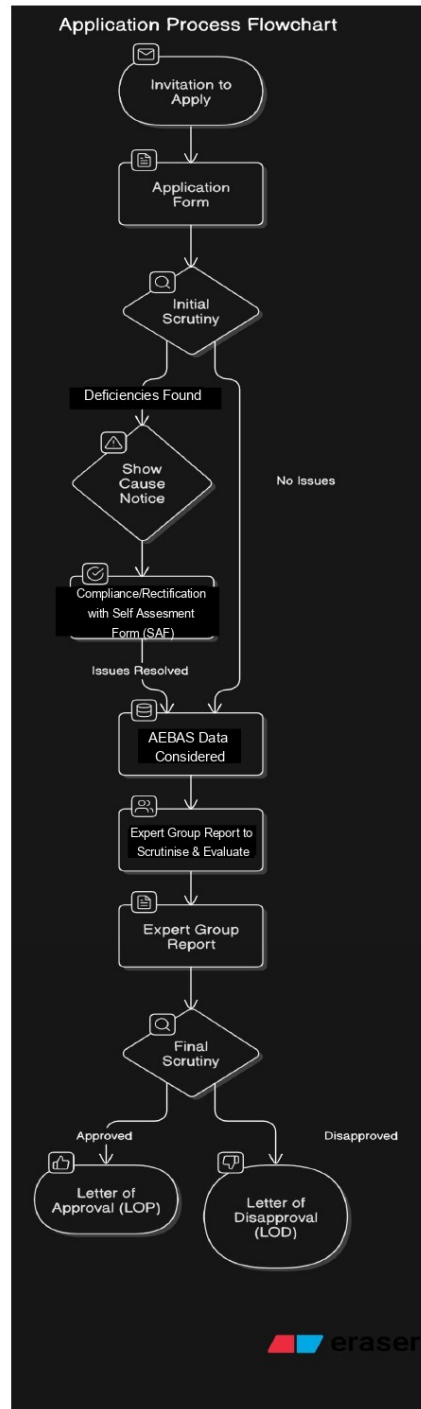
46.A careful perusal of the same would make it clear that dispensation of Essentiality Certificate for starting of new medical PG courses for the academic year 2024-2025 would be available for those institutions which possess proper clinical material and faculties as per the regulations and norms of NMC. However, in the instant case in the absence of faculties as per the regulations and norms of NMC, the dispensation of Essentiality Certificate could not be claimed by the petitioner College as a matter of right. That apart, the third respondent on receipt of applications for the post graduation courses - broad and super speciality courses for the academic year 2024-2025, in response to its public notice dated 16.08.2023, could process the same only as mandated by the Regulations of NMC. For better appreciation, the application process flow chart is derived as follows:-

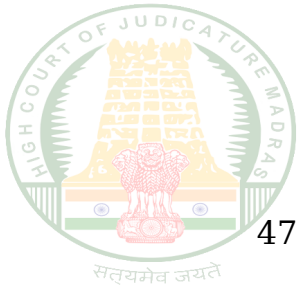


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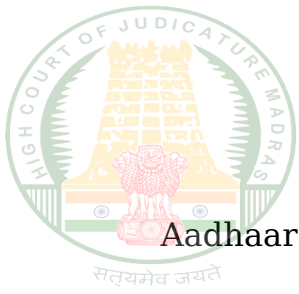




W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

47. In the instant case, on receipt of application form from the petitioner college after initial scrutiny on identifying the deficiencies, a show cause notice dated 28.03.2024 was issued to the petitioner College requiring to submit a compliance report in terms of the show cause notice within 10 days from the date of show cause notice. Had the petitioner college duly filed a compliance report within 10 days as required in the first show cause notice with a self assessment form the issues would have been properly resolved at that stage itself. However, since a compliance report was not submitted by the petitioner College, the third respondent was left with no other option rather to proceed forward to consider the AEBAS data for attendance of the faculty and thereafter on the basis of the scrutinization and evaluation report received from the expert group in this regard, a final scrutiny was also made and on the basis of which, a letter of disapproval was issued by the third respondent on 13.06.2024.

48. Though the second appeal was filed by the petitioner College on 12.09.2024, enclosing the incumbent certificate, no attempt to satisfy the second appellate authority with respect to faculty deficiency was diligently taken by the petitioner College. The concept of AEBAS is Aadhaar Enabled Biometric Attendance System. It is a real-time attendance monitoring system developed by the Indian government to improve the productivity of Government employees. AEBAS uses the

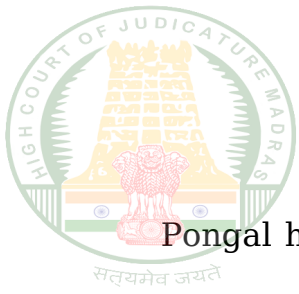


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Aadhaar number, which is used by the Unique Identification Authority of India (UIDAI), to authenticate the attendance of employees. It offers two modes of authentication through fingerprint and through Aadhaar. That was in 2022 that it was mandated for recording faculty attendance in all medical colleges throughout India using AEBAS. Such e-tracking system was introduced to weed out malpractices by Colleges, shortcomings in the earlier physical inspection system and for greater coordinated monitoring by the regulator.

49.By this, the shortfall in attendance is duly noted by the second respondent and inadequacy of faculty come to light. Admittedly, at the relevant time for which the data had to be submitted by the petitioner College along with their application form that is during the period from 1st January 2024 to 29th February 2024, there was a shortfall. Such shortfall is claimed to have been cured only from April 2024, leaving out the month of March 2024. However, the same is also found incorrect from the admitted data filed by the petitioner College before this Court as extracted supra in paragraph no.42. The shortfall of faculty has been consistent.

50.The reason put forth by the Senior Counsels appearing for the petitioner College for the lack of attendance is on account of the Pongal holidays. As for the lack of attendance being allegedly on account of

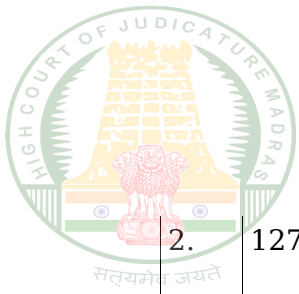


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Pongal holidays, such a plea is unacceptable because the AEBAS system itself automatically adjusts and recalibrates, based on actual working days and 75 percentage attendance is reckoned in relation to the actual working days only. The computation in the system automatically excludes holidays and therefore, holidays have no bearing on attendance. In any event, Pongal holidays in the month of January 2024 was only for three days.

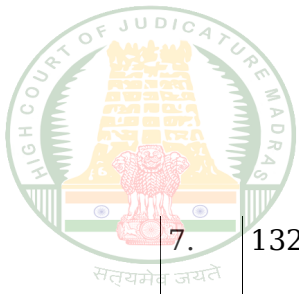
51. Admittedly, the compliance data submitted by the petitioner College is only from April 2024, while submitting the first appeal and there is no explanation for the period from February 2024 to April 2024. For this reason also, the lack of faculty in the petitioner College is an important reason for disapproval of permission. The complete data regarding the application status of the petitioner College as on the date of filing this petition is placed before me by the respondents 2 and 3 and the same is extracted as follows:-

Sl.No.	W.P.(MD)No.	Discipline	No. of Seats sought	Faculty Deficiency as per MARB as on Date of Disapproval (13.06.2025)	Faculty as per AEBAS data submitted by College for the period 01.04.2024 – 30.12.2024
				Min Attendance required - 75%	
1.	126 of 2025	MD (Orthopedics)	10	Professor – Not available	Still show 1 Professor with 37% attendance and 1 SR with 54%



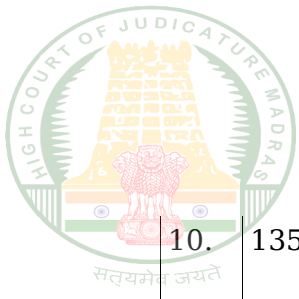
W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

2.	127 of 2025	MD (Ophthalmology)	5	Associate Professor – Not available	Still shows Associate Professor with only 57% Attendance.
3.	128 of 2025	MD (Forensics)	3	Associate Professor – Not available Asst Professor – Not Available	Still shows No Associate Professor Still shows Asst. Professor with only 12% Attendance.
4.	129 of 2025	MD (Physiology)	4	Associate Professor – Not available Asst Professor – Not Available (1 shortfall each)	Still shows shortfall of 1 in each. Still shows 4/8 SR with attendance shortfall @ 58%, 54%, 42%, 21%.
5.	130 of 2025	MD (General Medicine)	25	Associate Professor – Not available Asst Professor – Not Available (shortfall 2)	Still shows no Associate Professor. Asst Professor 1 still shows attendance shortfall @12% Still shows 3/6 SR with attendance shortfall @22%, 42% and 38%.
6.	131 of 2025	MD/MS (Anatomy)	4	Associate Professor – Not available (2 reqd) Asst Professor – Not Available (3 reqd)	Continues to remain 0. SR -required 8. 5 Attendance shortfall @ 37%, 3%, 45%, 40%, 29%.



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7.	132 of 2025	MD (Bio Chemistry)	4	Professor – Not available	Complied Professor requirement. SR shows attendance shortfall : @ 42%, 47%, 57%, 44% and 58%,
8.	133 of 2025	MD (Paediatrics)	15	Professor – Not available Associate Professor – Not available Asst Professor -	2/4 Professor : lack of attendance @ 37% and 5%. Asst Professor : 2 still show attendance shortfall @ 14% and 35%. SR 1 still shows attendance @ 6%.
9.	134 of 2025	Anesthesiology	18	Professor – 1 available requirement – 5 Associate Professor – Not available Asst Professor – Not available Requirement – 3 each.	Still shows 1 Professor attendance shortfall @ 15% Asst Professor – 1 still shows attendance shortfall @ 37% Sr – 3 attendance shortfall @ 9%, 35%, 14% Requirement – 5.

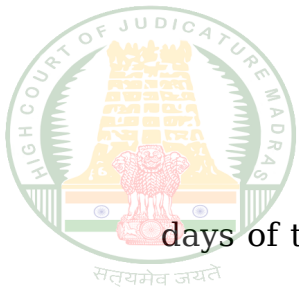


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10.	135 of 2025	Psychiatry	5	Professor – Not available Requirement – 1	Associate Prof still shows attendance shortfall @ 55%.
				Associate Professor – 1 shortfall. (1 available 2 required).	Only Asst Prof still shows attendance shortfall @ 50%.

52.This Court is of the considered view that the first appellate authority was not required to once again go into the question of adequacy of faculty strength because the only issue before the first appellate authority was whether the Essentiality Certificate had to be awaited when lack of faculty had not been satisfactorily complied at all. The compliance form dated 05.04.2024, submitted by the College was admittedly silent on showing compliance in respect of inadequacy of faculty. Such compliance form harped only on Essentiality Certificate. Since compliance/rectification is a one time measure to be effected by the College after receipt of a show cause notice, the third respondent is required only to ascertain whether all deficiencies pointed out have been complied. In the absence of such compliance, rejection is natural.

53.The first appellate authority passed an order dated 05.08.2024 and even by then, the Essentiality Certificate had never been produced by the petitioner medical College. This is without prejudice to the fact that rectification/compliance was an opportunity to be availed within 10



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days of the show cause notice. This left the first appellate authority, that is, the second respondent with no material for reconsideration and it is pertinent to state that the petitioner College itself never questioned the requirement of the respondents 2 and 3 in seeking an Essentiality Certificate.

54. On the other hand, the petitioner College clearly stated that an Essentiality Certificate had been applied for and the same was awaited. There was no demur or protest to the requirement of producing an Essentiality Certificate and this Court has no hesitation to observe that all the contentions of dispensing with the production of Essentiality Certificate put forth by the learned Senior Counsels, who have appeared for the petitioner College are a sheer afterthought. In fact, the petitioner College attached a copy of application made by them to the State Government requesting for issuance of the Essentiality Certificate along with the first appeal. Therefore, all the loud objections made before this Court seeking dispensation of Essentiality Certificate are vexatious and the sheer afterthought cannot be countenanced.

55. The petitioner college has not shown compliance in accordance with law, which alone would entitle the petitioner to receive a letter of permission. Instead the entire Writ Petition is oriented only to cast aspirations on the second and third respondents. The oblique motives in



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attacking the respondents 1, 2 and 3 shows the lack of bona fides of the petitioner College.

56. Section 26(1)(a) of the NMC Act, 2019, confers power on the third respondent/MARB to determine the procedure for assessing and rating medical institutions for their compliance with standards laid down by the Undergraduate Medical Education Board or the Post Graduate Medical Education Board. Further, as per Section 26(1)(b), it is the MARB/third respondent, which has to grant permission for starting new post graduate courses. Section 23(3) proviso states that before disapproving any scheme, “an opportunity to rectify defects shall be given to the persons concerned”. Also Section 29 of the NMC Act, 2019, laid down the criteria for approving/disapproving the scheme submitted by a college for starting a new course/institution. Such criteria includes availability of adequate academic faculty. **There is no discretion vested in the NMC to relax academic faculty requirement. Discretionary power itself is vested only with the Central Government in the circumstances set out under Section 29 of the National Medical Commission Act, 2019.**

57. The applications made by the petitioner College is seeking grant of permission for commencement of 21 Post Graduation courses - broad and super specialities courses for the academic year 2024 - 2025. I am of



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the considered view that the faculty position, which is to be considered on such applications are with respect to those months prior to when the college applied for enhancement of seats. However, in the instant case though the application was submitted by the College on 15.09.2023, the show cause notice issued 28.03.2024, made it clear that the data for AEBAS for the period 01.01.2024 to 29.02.2024 would be relevant to be considered for the purpose of attendance of faculty.

58.However, without filing a compliance report before the third respondent, the petitioner College after issuance of letter of disapproval on 13.06.2024 preferred a first appeal before the second respondent on 04.07.2024 by submitting the data of AEBAS for a period of its own choice, that is, from the month of April 2024 to December 2024. Even the said data miserably trails to fulfill the mandates as required for iterating the position of attendance of faculty during that period of time. I am of the considered view that subsequent appointing of faculty/residents could not be of any avail for the purpose of application filed previously.

59.The Hon'ble Supreme Court in the case of ***Manohar Lal Sharma v. Medical Council of India and Others²***, has held as follows:-

“25. A compliance report is called for only to ascertain whether the deficiencies pointed out were rectified or

2 2013 10 SCC 60



W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

not. If MCI is not satisfied with the manner of compliance, it can conduct a surprise inspection. After that, no further time or opportunity to rectify the deficiencies is contemplated, no further opportunity of being heard is provided."

60. Fully fortified by the aforesaid judgment, I am of the considered view that the compliance report dated 05.04.2024, ought to have been submitted by the petitioner medical College with a valid EC and proper faculty who are functional during the period for which AEBAS data was considered, that is, the period from 1st January 2024 to 29th February 2024. However, having not done the same, even in the compliance report, the submission of the petitioner College is that they have applied for Essentiality Certificate to the Government of Tamil Nadu and the same is awaited. Only on receipt of such compliance report, the letter of disapproval dated 13.06.2024 was issued by the third respondent.

61. The pertinent point to be mentioned at this juncture is that, the entire compliance exercise was a one-time opportunity offered by the third respondent and no further time or opportunity to rectify deficiencies was contemplated or required in terms of the judgment of the Hon'ble Supreme Court extracted supra as well as in terms of the proviso to Section 28 of the NMC Act, 2019. Needless to state that in the instant case as on the date of scrutiny of the application form, there was a clear deficiency of non-submission of Essentiality Certificate and



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deficiency in proper faculty who were functional during the period for which AEBAS data was considered. In addition to the same, this Court is of the considered view that, as expected by the petitioner, the respondents cannot keep on the scrutiny process by keeping the same in indefinite abeyance so as to facilitate the petitioner College to submit the proper faculty details as well as Essentiality Certificate and the process of consideration of application for commencement of new PG courses is a time bound process.

62.The Hon'ble Supreme Court in the case of ***Medical Council of India versus Kalinga Institute of Medical Sciences and others***³, has held as follows:-

“21. A perusal of the decision of the High Court clearly indicates that it considered the latest report of the Inspection Team as if it was hearing an appeal against the report. In doing so, the High Court went into great details on issues relating to the number of teaching beds in the hospital, the limitations in the OPD Department, the number of units available in the subjects of General Medicine, Pediatrics etc., bed occupancy, number of Caesarean sections, discrepancy in data of major and minor operations, computerization in the institution, number of patients in the ICU, number of static X-ray machines, deficiency of examination halls, lecture theatres, library, students hostel, interns hostel, playground etc. etc. Surely, this was not within the domain of the High Court in exercise of its jurisdiction under Article 226 of the Constitution.

³(2016) 11 SCC 530



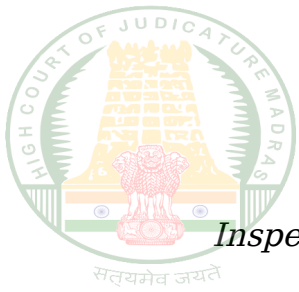
W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

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22. *The High Court did not appreciate that the inspection was carried out by eminent Professors from reputed medical institutions who were experts in the field and the best persons to give an unbiased report on the facilities in KIMS. The High Court under Article 226 of the Constitution was certainly not tasked to minutely examine the contents of the inspection report and weigh them against the objections of KIMS in respect of each of its 18 items. In our opinion, the High Court plainly exceeded its jurisdiction in this regard in venturing into seriously disputed factual issues.*

23. *Learned counsels for KIMS and the students submitted that the High Court was left with no option but to critically examine the report of the Inspection Team since it was factually erroneous and did not deserve to be relied on either for the increase in intake of seats for the academic year 2015-16 or the academic year 2016-17. We see no reason to accept the submission of learned counsels.*

24. *Medical education must be taken very seriously and when an expert body certifies that the facilities in a medical college are inadequate, the Courts are not equipped to take a different view in the matter except for very cogent jurisdictional reasons such as mala fides of the Inspection Team, ex facie perversity in the inspection report, jurisdictional error on the part of the MCI etc. Under no circumstance should the High Court examine the report as an appellate body – this is simply not the function of the High Court. In the present case there was no ground made out at law for setting aside the report of the*



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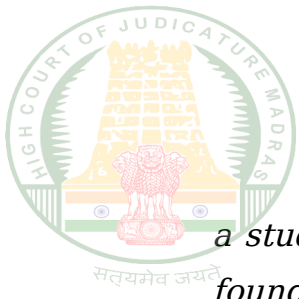
Inspection Team.

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25. *The High Court was of opinion that the Inspection Team was required to conduct the inspection with reference to the academic year 2015-16 but the report pertains to the academic year 2016-2017. If that was so, the High Court could have passed an appropriate order in this regard rather than examine and scrutinize the inspection report prepared for the academic year 2016-17 which academic year was not at all the subject matter of consideration or discussion before it. Moreover, invalidation of the inspection report for the academic year 2016-17 would not automatically invalidate the inspection report for the academic year 2015-16. Unfortunately, the High Court spent its energy on adjudicating a non-issue.*

26. *It appears to us that both the MCI and the Central Government each having twice considered the inspection report submitted by neutral medical Professors, with the Central Government having given a personal hearing to KIMS on the second occasion (and perhaps on the first occasion as well) the matter ought to have been given a quietus by the High Court at least for the academic year 2015-16.*

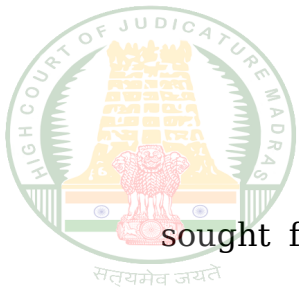
27. *That apart, we are of opinion that the High Court ought to have been more circumspect in directing the admission of students by its order dated 25th September 2015. There was no need for the High Court to rush into an area that the MCI feared to tread. Granting admission to students in an educational institution when there is a serious doubt whether admission should at all be granted is not a matter to be taken lightly. First of all the career of*



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a student is involved – what would a student do if his admission is found to be illegal or is quashed? Is it not a huge waste of time for him or her? Is it enough to say that the student will not claim any equity in his or her favour? Is it enough for student to be told that his or her admission is subject to the outcome of a pending litigation? These are all questions that arise and for which there is no easy answer. Generally speaking, it is better to err on the side of caution and deny admission to a student rather than have the sword of Damocles hanging over him or her. There would at least be some certainty.”

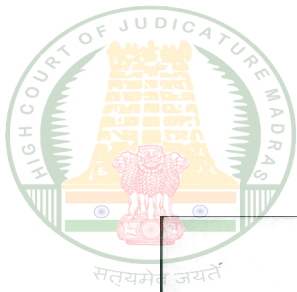
63. When the writ petitioner College is not able to satisfy the mandates as to the required number of faculties for each and every PG speciality, for which the petitioner College has made application in the backdrop of the letter of the second respondent to the first respondent dated 27.11.2024, the petitioner College cannot claim dispensation of Essentiality Certificate. The petitioner medical College was commenced only during the academic year 2021- 2022. It is pertinent to state that the first batch of students of the petitioner College are yet to complete education and the College itself is of nascent origin only from 2021-2022. Under such circumstances, this Court cannot sing to the tunes of the writ petitioner College, who are in a rush to get a positive order from this Court for the purpose of directing the respondents herein to dispense with the production of Essentiality Certificate in the absence of adequate faculty strength for the required period for which AEBAS attendance is



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sought for by the respondents, for the purpose of permitting them to commence as many as 21 disciplines of PG medical courses.

64.The letter of permission granted by the second respondent to the petitioner College in respect of MS-Otorhinolaryngology for the academic year 2024-2025 dated 03.01.2025, permitting the petitioner College to start the said course with three students and the order passed by the first respondent in the second appeal filed by the writ petitioner College as far as the application related to the PG course MD community medicine seeking 8 seats in which by order dated 08.01.2025, the petitioner college being granted with the permission to commence the PG course MD community medicine with three seats for the academic year 2024-2025, instead of 8 seats would itself prove the bona-fides of the respondents and for better clarity, the same are extracted here under:-



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No. V.11013/368/2024-ME-I
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare
(Medical Education-I)

Nirman Bhawan, New Delhi-11
Dated the 08 January, 2025

ORDER

Subject: 2nd appeal filed before the Central Government u/s 28(6) of NMC Act, 2019 by Srinivasan Medical College & Hospital, Trichy, Tamilnadu regarding starting of new PG course MD - Community Medicine with 08 seats - regarding.

This is regarding 2nd appeal filed before the Central Government u/s 28(6) of NMC Act, 2019 by Srinivasan Medical College & Hospital, Trichy, Tamilnadu regarding starting of new PG course MD - Community Medicine with 08 seats for the A.Y. 2024-25.

2. The Section 28(6) of the National Medical Commission Act, 2019, provide for the following:-

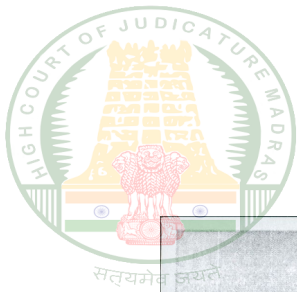
"28(6) The Commission shall decide the appeal received under sub-section (5) within a period of forty-five days from the date of receipt of the appeal and in case the Commission approves the scheme, such approval shall be the permission under sub-section (1) to establish a new medical college and in case the Commission disapproves the scheme, or fails to give its decision within the specified period, the person concerned may prefer a second appeal to the Central Government within thirty days of communication of such disapproval or, as the case may be, lapse of specified period"

3. In pursuance to provisions of the NMC Act, 2019, revised internal guidelines to deal with the 2nd Appeals preferred to this Ministry, have been issued. The time line for disposing off the appeals preferred under Section 28(6) of the NMC Act, 2019 is 45 days from the date of receipt.

4. The Institute applied for starting of new PG course MD - Community Medicine with 08 seats.

5. Letter of Disapproval by MARB: MARB had issued letter of disapproval vide letter dated 13/06/2024 for starting of new PG course MD - Community Medicine with 08 seats citing the following:

Detailed of Parameters	Remark by Experts
No. of faculties as per the relevant PG MSR PG Medical Education Regulation 2000 issued on 22.08.2000(adequate/ not	As per the AEBAS attendance (>=75%) from 1st Jan 2024 to 29 Feb 2024, Professor - 01 available



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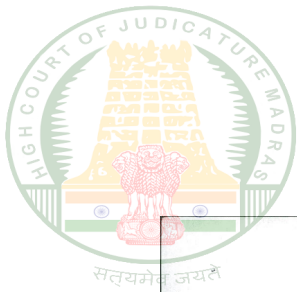
adequate)	Associate Professor - 02 available Assistant Professor - 01 available.
Compliance Report given by the College	Essential Certificate not available

Final Remarks by Committee: Committee reviewed the SAF and Scrutiny form of expert and all relevant parameters not found satisfactory so decide to disapprove starting of new PG course (08 seats) in MD - Community Medicine on dated 11/06/2024.

6. First appeal order by NMC: The college filed first appeal against the order of NMC vide letter dated 13/06/2024, NMC disposed of the first appeal vide letter dated 05/08/2024, upholding the decision of the MARB.

7. The facts and observations of the Committee during in-person hearing:- The matter was deliberated in detail in the combined meeting of the TEG and COO and the Committee observed the following:

- The College applied for starting of new PG course MD - Community Medicine with 08 seats.
- MARB examined the Standard Assessment Form submitted by the College and and has observed the following:
 - ◆ As per AEBAS Attendance ($\Rightarrow$ 75%) data 1st Jan 2024- 29th Feb 2024 Professor:01 available, Associate Professor: 02 available, Assistant Professor: 01 available.
 - ◆ Essential Certificate not available.
- College filed 1st appeal against the order of MARB before NMC. In 1st appeal, NMC vide order dated 13/06/2024, NMC disposed of the first appeal vide letter dated 05/08/2024, upholding the decision of the MARB.
- Thereafter, the college filed second appeal dated 24/09/2024 against the order dated 05/08/2024 passed by the National Medical Commission in first appeal requesting for permission for starting of new PG course MD - Community Medicine with 08 seats for the academic year 2024-25.
- The College in the second appeal informed that they have 03-Professors, 03-Associate Professors and 03-Assistant Professors in the Department.
- The College submitted that the total working days for January (19/31) and February (21/29) 2024 is 40 days out of 60 days and during this period, there are various festivals and holidays, for which many faculties availed Causal Leave.
- The College further informed that they had adopted AEBAS attendance on 07.12.2023 and there were biometric and aadhar issues for many of faculties, as certain faculties were not transferred from previous institution, there is lack in AEBAS attendance during the period.
- The College in its second appeal also informed that the Department of Community Medicine is providing field services in RHTC, Puthur, Trichy and UHTC, EB Road, Woraiyur, Trichy. And on the day of self-assessment, the Department had an OPD attendance of 102 at RHTC, Puthur, Trichy and 86 at UHTC, EB Road, Woraiyur, Trichy.
- The Committee observed that as per the records of the NMC (AEBAS attendance ($\Rightarrow$ 75%) from 1st January, 2024 to 29th February, 2024) they have 01-Professor, 02-



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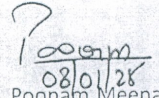
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Associate Professors and 01-Assistant Professor. This was also verified by MARB, NMC in the Letter of disapproval.

- The Committee observed that as per the self-assessment form submitted by the College, they have 01-Statistician in the Department.
- The Committee further observed that as informed by the College, the Department is providing field services at RHTC, Puthur, Trichy and UHTC, EB Road, Woraiyur, Trichy with an OPD attendance of 102 and 86 respectively.
- The Committee also noted that as per the PG Medical Education Regulations, 2000, the Professor is eligible for two PG students and Associate Professor is eligible for one PG student. Considering the same, clinical material and strength of faculty, a total of 03 seats may be granted to the College in MD (Community Medicine) course for the academic year 2024-25.
- The College has submitted documents and records in support and justification for their plea for meeting the Minimum Standards laid down by the NMC. The Committee further opines that if the NMC carries out inspections of the College at any stage and finds that the College is deficient in availability of faculty, infrastructure etc., the permission for increase of intake in PG course may be withdrawn by NMC.

8. The documents and submissions made by the appellant have been considered by the Central Government. The Central Government after due examination has decided to direct the National Medical Commission to issue Letter of Permission to Srinivasan Medical College & Hospital, Tamil Nadu for starting of MD (Community Medicine) course with 03 seats for the academic year 2024-25.

9. Accordingly, the 2nd Appeal dated 24/09/2024 of Srinivasan Medical College & Hospital, Tamilnadu stands disposed of.

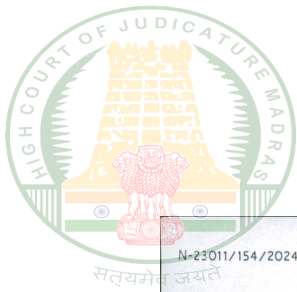

(Dr. Poonam Meena)
Deputy Secretary (ME)
Tel: 011-23062205

To

The Dean/Principal,
Srinivasan Medical College & Hospital, Tamil Nadu

Copy to:

1. The Secretary, National Medical Commission, Pocket- 14, Sector-8, Dwarka, New Delhi-75 for necessary action.
2. PS to Hon'ble HFM, Nirman Bhawan, New Delhi for information.
3. The DDG (ME), Dte.GHS, Nirman Bhawan, New Delhi for information.



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N-23011/154/2024-AssessmentCell/MARB

1/3736518/2025

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N-23011/154/2024-AssessmentCell/MARB (e-ID 8274082)

राष्ट्रीयआयुर्विज्ञानआयोग

**National Medical Commission
Medical Assessment & Rating Board (MARB)**

पॉकेट-14, सेक्टर-8, द्वारका, फेस1-, नईदिल्ली77-

Pocket- 14, Sector- 8, Dwarka,

Phase - 1, New Delhi-77

09-01-2025

LETTER OF PERMISSION

To

The Dean/Principal,
Srinivasan Medical College and Hospital
NH-45, Trichy Chennai Trunk Road, (Near Samayapuram Toll Plaza)
Samayapuram, Tiruchirappalli - 621112
EMAIL ID- smch5353@gmail.com

Subject: Order of 2nd Appeal Committee of Ministry of Health and Family Welfare (MoH&FW) - issue of Letter of Permission (LoP) in respect of online application ID NMC/PG/2024-25/000988 for Starting New PG Course MD - Community Medicine with Three (03) seats at Srinivasan Medical College and Hospital, Trichy for Academic Year: 2024-25.

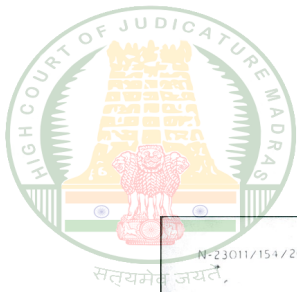
Ref. (i) your online applications **NMC/PG/2024-25/000988**
(ii) MARB's Letter of Disapproval Dated: **19.06.2024**
(iii) Decision of First Appeal Committee of NMC Dated: **05.08.2024**
(iv) Order of Second Appeal Committee of Central Govt. (MoH&FW) Dated: **08.01.2025**

Sir/madam,

In pursuance of decision of the 2nd Appeal Committee, Ministry of Health and Family Welfare (Central Govt) dated **08.01.2025** (which has already been **Communicated** to you by MoH&FW), Medical Assessment and Rating Board (MARB) is conveying you the final order for Starting New PG Course MD - Community Medicine with Three (03) seats at Srinivasan Medical College and Hospital for Academic Year: 2024-25.

2. It is to inform you that your institution is fully responsible to fulfil and maintain norms including the infrastructure both physical and human resources, teaching faculty, clinical material and stipend to PG students similar to PG students of government colleges in the state etc. throughout the academic year, as stipulated in regulation of National Medical Commission (NMC).

3. In case of false/wrong declaration or fabricated documents have been used for procuring permissions of MARB and any misconduct is



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N-23011/154/2024-AssessmentCell/MARB

I/3736518/2025

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brought to the notice of National Medical Commission (NMC) or **found during surprise assessment at any stage during the current academic year, your institution is liable, not to be considered for recognition of that degree.** This letter of permission will be revoked for the current academic year if such exigency arises. Besides, National Medical Commission (NMC) is entitled to take all such measure against you and your college/institution as permissible under the law.

4. It is mandatory by government medical colleges to contribute **15%** MBBS seats and **50%** of post graduate broad specialties (MD/MS) for All India Quota respectively, to MCC of DGHS for conduction of counselling as per the directions of Hon'ble Supreme Court.

5. It is mandatory to develop a website of medical college/institution and display all the information of college and courses offered as per the guidelines issued by National Medical Commission (NMC) from time to time.

6. **This LOP is Subject to Confirmation of Bank Guarantee. If any discrepancy is found latter on in respect of any data/documents, the LOP shall be withdrawn immediately.**

7. This has approval of Competent Authority.

8. Kindly acknowledge the receipt of this letter.

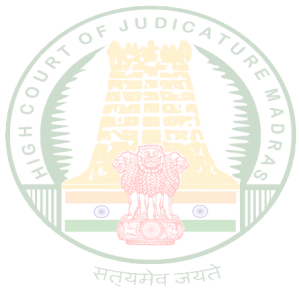
Yours sincerely,

**Digitally signed by
ARUN KUMAR SINGH
Date: 09-01-2025
17:20:45**

**(Arun Kumar Singh)
Director, Govt. of India
Medical Assessment & Rating Board
National Medical Commission**

Copy to:

1. The Principal Secretary, Medical Education – Govt. of Tamil Nadu.
2. The Addl. Director, Medical Education – Govt. of Tamil Nadu.
3. The Registrar, Dhanalakshmi Srinivasan University, a state private University of Tamil Nadu.
4. The Secretary to the Govt. of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110011.
5. The Assistant Director General, ME, DGHS, 352-A, Nirman Bhawan, New Delhi-110011.
6. Deputy Secretary, ME, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110011.
7. The Secretary, National Medical Commission, Pocket-14, Sector 8, Dwarka, Phase-1, New Delhi-110077.
8. Director, PGMEB, NMC.
9. Deputy Secretary, Policy & Coordination, NMC.



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65.In the said circumstances, the petitioner College cannot succeed in attributing ill will/vindictiveness/*malafide* towards the respondents and the said exercise itself would stand as a proof that the respondents have duly considered the relevant AEBAS data for the period 01.01.2024 to 29.02.2024 and not the period of 01.04.2024 to 31.12.2024, which was later furnished by the petitioner College as far as the other applications for which the petitioner College has knocked the doors of this Court before me in the instant *lis* in hand.

66.Accordingly, I have no hesitation to hold that the respondents have duly considered the application made by the petitioner College, seeking permission to commence new Post Graduation courses - broad and super speciality courses for the academic year 2024 - 2025 as far as 23 disciplines are concerned and have granted appropriate permission for two disciplines and has rejected the case of all the other applications, for which the writ petitioner College has come before this Court only for the proper deficiencies, which was not duly rectified by the petitioner College, by availing the one time opportunity offered by the third respondent to rectify the same, by submission of proper compliance report as pointed out by the third respondent and thereafter, filing a first appeal or a second appeal before the second and first respondents respectively by submitting AEBAS attendance records pertaining to



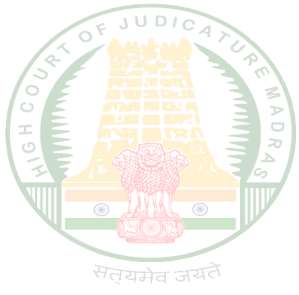
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another period of their own choice, rather the period for which was sought for by the authorities, would also not rescue the case of the petitioners.

67. Accordingly, the Writ Petitions do not have any merit and the same are liable to be dismissed. Accordingly the Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

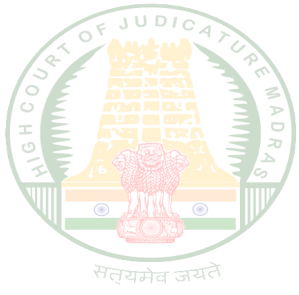


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To

- 1.The Deputy Secretary,
Ministry of Health and Family Welfare,
Nirmanbhawan,
New Delhi.
- 2.The Secretary,
National Medical Commission
Medical Assessment and Rating Board (MARB),
Pocket-14, Sector -8
Dwarka, Phase-1,
New Delhi-77.
- 3.The Member / President,
Medical Assessment and Rating Board (MARB),
National Medical Commission,
Pocket-14, Sector -8,
Dwarka, Phase-1,
New Delhi-77.
- 4.The Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai.
- 5.The Secretary,
Selection Committee,
Kilpauk,
Chennai.



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W.P.(MD)Nos.126 to 135 and 447 to 456 of 2025

L.VICTORIA GOWRI, J.

Mrn

**W.P.(MD)Nos.126, 127, 128, 129, 130, 131, 132, 133, 134, 135,
447, 448, 449, 450, 451, 452, 453, 454, 455 and 456 of 2025**

28.04.2025