

# Radha Devi Jageshwari Memorial Medical ... vs Union Of India on 11 December, 2020

**Bench: L. Nageswara Rao, Hemant Gupta, Ajay Rastogi**

1

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

Writ Petition(s)(Civil) No(s). 1298/2020

RADHA DEVI JAGESHWARI MEMORIAL MEDICAL  
COLLEGE AND HOSPITAL.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

The application filed under Section 10A of the Indian Medical Council Act by the petitioner for permission to establish a new medical college was rejected by the Medical Council of India on 15.10.2020 aggrieved by which this writ petition is filed.

The first inspection pursuant to the application filed by the petitioner was conducted on 20th and 21st December, 2019. The petitioner submitted a compliance report on 05.03.2020. Thereafter the hospital was taken over by the State Government on 6th June, 2020 for treatment of Covid Patients and the hospital was given back to the petitioner only on 17.10.2020. In the meanwhile, the inspection was conducted on 09.09.2020 and a letter was sent to the petitioner refusing permission on 15.10.2020 for establishment of the Medical College for the year 2020-21.

Ms. Priya Hingorani, learned Senior Counsel for the petitioner submits that the deficiency for Faculty Members and the Residents was only to be tune of 20% and 8.69% respectively when inspection was conducted in December, 2019. According to her the inspection that was conducted in September, 2020 was during the period when the hospital was handed over to the State Government.

The deficiency that is found now in the latest inspection is to the tune of 94.5% and 97.9% in respect of the faculty & the Residents respectively does not reflect the correct position as the faculty and the residents were on Covid Duty.

Mr. Gaurav Sharma, learned counsel for the respondent-1 submits that according to the Regulations, the Senior Residents have to be present 24X7 in the hospital premises. He also submitted that even if the hospital has been handed over to the State Government the faculty members and the residents have to be present during the period of inspection.

After considering the submissions of the learned counsel, we are of the opinion that no relief can be granted to the petitioner for the commencement of Medical Course for the year 2020-21. The petitioner is at liberty to make an application for the next Academic Session 2021-21 which shall be considered in accordance with law.

Writ Petition is dismissed accordingly.

.....J. (L. NAGESWARA RAO) .....J. (HEMANT GUPTA) .....J. (AJAY RASTOGI) New Delhi December 11, 2020.

ITEM NO.28	Court 4 (Video Conferencing)	SECTION X
	S U P R E M E C O U R T O F	I N D I A
	RECORD OF PROCEEDINGS	
Writ Petition(s) (Civil)	No(s).	1298/2020
RADHA DEVI JAGESHWARI MEMORIAL COLLEGE AND HOSPITAL	MEDICAL	Petitioner(s)
	VERSUS	
UNION OF INDIA & ORS.		Respondent(s)

(FOR ADMISSION and IA No.117367/2020-EXEMPTION FROM FILING O.T. and IA No.117369/2020-EXEMPTION FROM FILING AFFIDAVIT ) Date : 11-12-2020 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE AJAY RASTOGI For Petitioner(s) Ms. Priya Hingorani, Sr. Adv.

Mr. Neeraj Shekhar, AOR For Respondent(s) Mr. Gaurav Sharma, AOR Mr. Prateek Bhatia, Adv.

Mr. Dhawal Mohan, Adv.

Mr. Aman Lekhi, ASG Mr. Guarmmeet Singh Makker, AOR Mr. Akshay Amritanshu,  
Adv. Mr. Harish Pandey, Adv.

Mr. Bhuvan Mishra, Adv.

Mr. Shuvodeep Roy, Adv.

UPON hearing the counsel the Court made the following O R D E R The Writ Petition  
is dismissed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(ANAND PRAKASH)  
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)