

BY SPEED POST

No.U.12012/686/2015-ME - I [3063589]

Government of India

Ministry of Health & Family Welfare

(Department of Health & Family Welfare)

Nirman Bhawan, New Delhi-11

Dated the 10 August, 2017.

**ORDER**

Subject: Conditional Permission granted for establishment of Medical College in 2016-17-  
Decision of the Central Government-Akash Institute of Medical Sciences &  
Research Centre, Devanhalli- reg.

Whereas the Akash Education & Development Trust, Karnataka made application for establishment of new medical college at Devanhalli, Bangalore, Karnataka in the name & style of Akash Institute of Medical Sciences & Research Centre, Devanhalli for the academic session 2016-17 to the Ministry. The Ministry forwarded the application to MCI for evaluation and making recommendation to the Ministry u/s 10 A of IMC Act, 1956 for the academic session 2016-17.

2. Whereas the Medical Council of India (MCI) conducted assessment of the college on 7th & 8th January, 2016 and the assessment report and the letter of the coordinator (Assessor) was considered by the Executive Committee of MCI in its meeting held on 30.1.2016 and following was noted:

- i. OPD attendance is 508 on day of assessment against requirement of 600.
- ii. Bed occupancy is 52.33 % on day of assessment against requirement of 60 %. It appears that some of the patients have been admitted without any serious reason. E.g. in both male & female Surgical wards, about 50 % of patients were admitted without any Surgical disorder requiring hospital admission.
- iii. Although it has been reported by the institute that there were 58 X-rays done, during round of assessors, at 10:30 a.m., no X-ray machine was found to be engaged with work.
- iv. ICUs: For ICCU, MICU & SICU, there is only 1 sister i/c. For NICU & PICU there is only 1 sister i/c. There were only 2 patients in SICU on day of assessment.
- v. There was no woman in Labour Room during round of assessors at 11:30 a.m.
- vi. OPD: Half of examination rooms are lying vacant.
- vii. Wards: In General Surgery & allied wards, 1 Nurse looks after 2 wards.
- viii. Shortage of Residents is 6.52 % as detailed in the report.

*[Handwritten signature]*

11/8/17  
10.05 AM

- ix. It appears that some Residents are not staying in the campus.
- x. Central Kitchen: During round, not more than 50 trays could be shown for serving food to patients at 10:45 a.m. when food was not served to patients.
- xi. Anatomy department: Only 83 specimens are available in the department. MRI & CT films are not displayed in the museum. There is no drainage system in Dissection Hall.
- xii. Physiology department: Equipment for Human Physiology laboratory has been kept in Amphibian Laboratory & not in Human Physiology laboratory.
- xiii. Residential Quarters: Quarters for faculty are not upto standard for a medical teacher.

3. Whereas, based on the above, the MCI vide letter dated 31.1.2016 recommended to the Central Govt. not to issue Letter of Permission for establishment of New Medical College at Devanahalli, Bangalore, Karnataka by Akash Education & Development Trust, Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2016-2017;

4. Whereas, u/s 10 A (4) of IMC, Act, 1956, the Ministry afforded an opportunity of hearing to the college before a personal hearing committee on 11.2.2016 and the case was referred back to MCI for review. Subsequently compliance verification assessment was carried out by MCI on 11th March, 2016. The compliance verification assessment report was considered by the Executive Committee at its meeting held on 13.05.2016 and noted the following:

- i. Deficiency of faculty is 6.15 % as detailed in the report.
- ii. OPD attendance on day of assessment is 485 against 600 required.
- iii. Bed occupancy was 48 % on day of assessment.
- iv. Many patients who were not genuine and did not require admission were admitted in wards of General Medicine, General Surgery, O.G., Tb & Chest, Skin & VD and Orthopaedics.
- v. In General Medicine ward, a patient named Satish (Reg.# 51007) was admitted on 24/02/2016 without diagnosis and treatment till 11/03/2016. He looked healthy.
- vi. ICUs: Nursing staff in ICUs is inadequate and is not properly qualified. Past record is not available.
- vii. Labour Room: There was no woman in labour room. There was NIL Normal Delivery till 4 p.m.
- viii. OPD: Examination rooms were vacant as the number of patients was very less at time of taking round as compared with data generated by computer.
- ix. Wards: In General Surgery, 1 Nurse is looking after 2 wards. Nursing stations are not as per norms. Many wards do not have Demonstration Rooms.
- x. Nursing staff is inadequate.
- xi. It appears that some Residents are not staying in the campus.
- xii. Central Kitchen is not hygienic. No record of food trays dispatched is available.

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5. Whereas the MCI vide letter dated 14.5.2016 returned the application for establishment of a new medical college at Devanhalli, Bangalore, Karnataka by Akash Education & Development Trust, Karnataka to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.
6. Whereas the Ministry accepted the recommendation of MCI and disapproved the applications of the college for establishment of new medical college for the academic session 2016-2017 vide letter dated 10.6.2017;
7. Whereas on Oversight Committee (OC) directive, the Ministry obtained compliance dated 14.6.2016 from the college afresh and forwarded it to MCI vide letter dated 20.6.2017. MCI returned the compliances citing various reasons. Ministry forwarded the reply of MCI to OC;
8. Whereas (OC) vide its letter dated 11.08.2016 approved the scheme of establishment of new Medical College at Devanhalli, Bangalore, Karnataka by Akash Education & Development Trust, Karnataka in name & style Akash Institute of Medical Sciences & Research Centre with an annual intake of 150 for the academic year 2016-17 on certain conditions;
9. Whereas the Ministry on the approval of the OC issued necessary Letter of Permission on 20.08.2016 to the Akash Education & Development Trust, Karnataka for establishment of new Medical College at Devanhalli for the academic year 2016-17 with conditions imposed by the OC;
10. Whereas as per the conditions laid down in the Letter of Permission an assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI on 3rd & 4th November, 2016 and on 9<sup>th</sup> & 10<sup>th</sup> January, 2017.
11. Whereas the assessment reports (3rd & 4th November, 2016) and (9<sup>th</sup> & 10<sup>th</sup> January, 2017) alongwith complaint dated 26/12/2016 from Sh. Guduru Dasarath Rami Reddy, Bangalore against Akash Institute of Medical Sciences & Research Centre, Bangalore were considered by the Executive Committee of MCI at its meeting held on 13.01.2017 and noted the following deficiencies:
  - i. Shortage of Residents is 13.04 % as detailed in the report. Some Residents are not staying in the campus.
  - ii. Bed Occupancy was 55 % at 10 a.m. on day of assessment.
  - iii. Dr. Lokesh K.M. Jr. Resident (Regn.No: 85583 of Karnataka Medical Council) in the department of General Surgery was found to be working at more than one place. He has attended assessment and has been counted as Sr. Resident at



Adichunchanagiri Instt. Of Medical Sciences, Bellur on 6.10.2016 i.e. in the same academic year.

- iv. Data of clinical material provided by the Institute are inflated.
- v. Some of the patients admitted on the first day of assessment were found to be not genuine.
- vi. In the morning at 10;30 a.m. there were about 30 patients at Central Registration counters and only a few patients in the OPDs of various departments.
- vii. There was NIL Normal Delivery & only 1 Caesarean Section on day of assessment.
- viii. There was only 1 patient in PICU & 2 patients in NICU on day of assessment.
- ix. MRD: It is manual as well as computerized.
- x. Anatomy department: MRI & CT films are not displayed in the museum

12. Whereas, the MCI vide letter dated 15.1.2017 has informed and recommended to the Ministry as under:

"In view of the above, the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies as per clause 3.2(i) of the directions passed by the Supreme Court mandated Oversight Committee vide communication dated 11/08/2016. The Executive Committee, after due deliberation and discussion, have decided that the college has failed to comply with the stipulation laid down by the Oversight Committee. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee in para 3.2(b) vide communication dated 11/08/2016 the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2017-18 & 2018-19 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Devanhalli, Bangalore, Karnataka by Akash Education & Development Trust, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore, the college was found to be grossly deficient. It has also been decided by the Executive Committee that the Bank Guarantee furnished by the college in pursuance of the directives passed by the Oversight Committee as well as GOI letter dated 20/08/2016 is liable to be encashed"

13. Whereas the Ministry decided to grant a personal hearing to the College on 8.2.2017 by the DGHS. The Hearing Committee after observing the oral and written submission of the College, submitted its reports to the Ministry. In its report, the Hearing Committee observed as under:





Srl. No.	Deficiencies reported by MCI	Observations of hearing committee
i.	Shortage of Residents is 13.04 % as detailed in the report. Some Residents are not staying in the campus.	No satisfactory justification for deficiencies. To be verified in the Medical College.
ii.	Bed Occupancy was 55 % at 10 a.m. on day of assessment.	
iii.	Dr. Lokesh K.M. Jr. Resident (Regn.No. 85583 of Karnataka Medical Council) in the department of General Surgery was found to be working at more than one place. He has attended assessment and has been counted as Sr. Resident at Adichunchanagiri Instt. Of Medical Sciences, Bellur on 6.10.2016 i.e. in the same academic year.	
iv.	Data of clinical material provided by the Institute are inflated.	
v.	Some of the patients admitted on the first day of assessment were found to be not genuine.	
vi.	In the morning at 10;30 a.m. there were about 30 patients at Central Registration counters and only a few patients in the OPDs of various departments.	
vii.	There was NIL Normal Delivery & only 1 Caesarean Section on day of assessment.	
viii.	There was only 1 patient in PICU & 2 patients in NICU on day of assessment.	
ix.	MRD: It is manual as well as computerized.	
x.	Anatomy department: MRI & CT films are not displayed in the museum	

14.. Whereas, the Ministry forwarded the Hearing Committee report to the OC for guidance. The OC vide its letter dated 14.05.2017 conveyed their following views to the Ministry:-

- (i) Residents:- This deficiency is within the acceptable limits.
- (ii) Bed Occupancy:- The College has furnished data in support of 63% Bed Occupancy which is acceptable.
- (iii) General Surgery was found to be working at more than one place:- There is no such requirement in the SAF.

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- (iv) Data of clinical material:- This deficiency is subjective.
  - (v) Genuineness of patients:- This deficiency is subjective.
  - (vi) OPDs:- SAF report shows the OPD as 637.
  - (vii) Deliveries:- This deficiency is subjective. No MSR.
  - (viii) PICU & NICU:- This deficiency is subjective. No MSR.
  - (ix) MRD:- No deficiency.
  - (x) Anatomy department:- This deficiency is subjective. No MSR."
- LOP Confirm

15. Whereas the Ministry after considering the recommendation of MCI, Hearing reports of the DGHS & Views of the OC decided to accept recommendation of MCI since the College was found deficient in MCI inspection. Accordingly, Ministry vide letter dated 31.05.2017 debarred the College from admitting students for the academic year 2017-18 & 2018-19 and authorized the MCI to encash the Bank Guarantee of Rs. 2 Crore.

16. Whereas the college filed W.P (C) No. 511 of 2017 in the Hon'ble Supreme Court of India which is connected with W.P (C) No. 411 of 2017 in GLOBAL MEDICAL COLLEGE AND SUPER SPECIALITY HOSPITAL & RESEARCH CENTRE Versus Union of India & Others and the Hon'ble Supreme Court gave the following direction on 01.8.2017-

"In the above persuasive premise, the Central Government is hereby ordered to consider afresh the materials on record pertaining to the issue of confirmation or otherwise of the letter of permission granted to the petitioner colleges/institutions. We make it clear that in undertaking this exercise, the Central Government would re-evaluate the recommendations/views of the MCI, Hearing Committee, DGHS and the Oversight Committee, as available on records. It would also afford an opportunity of hearing to the petitioner colleges/institutions to the extent necessary. The process of hearing and final reasoned decision thereon, as ordered, would be complete peremptorily within a period of 10 days from today. The parties would unfailingly co-operate in compliance of this direction to meet the time frame fixed"

17. Now, in compliance with the above direction of Hon'ble Supreme Court dated 1.8.2017, the Ministry granted hearing to the college on 4.8.2017. The Hearing Committee after considering the record and oral and written submission of the college submitted its report to the Ministry. Observations of Hearing Committee are as under:

The college submitted that MCI conducted compliance verification on 3-4 November 2016 where the deficiency of residents was pointed out as 13.04% and bed occupancy at 55%. However, without assigning any reason, MCI visited the college again on 9-10 January, 2017 to re-inspect. The college complied and MCI conducted another inspection. This time there was no deficiency of faculty and residents. Bed occupancy is also noted as 63%.





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The college pointed out the prejudicial attitude of MCI in recommending for disapproval based on the November inspection report even when the latest inspection was in January, 2017.

The Committee agrees with the contention of the college. MCI cannot conduct repeat inspections and then not consider those findings. There were no major deficiencies as per January report.

The Committee recommends that the conditional LoP for 2016-17 may be confirmed and the college may also be allowed to take admission for 2017-18.

18. Accepting the recommendation of the Hearing Committee, the Ministry confirms the conditional permission granted to Akash Institute of Medical Sciences & Research Centre, Devanhalli for the year 2016-17 and also permits the college to take admission for the academic year 2017-18 with 150 students.

19. The Next batch of students (150) in 2018-19 will be admitted only after obtaining permission from Central Government.

20. Admissions made in violation of above conditions will be treated as irregular and action will be taken as per provisions of IMC Act, 1956 and the Regulations made thereunder.



(D V K Rao)

Under Secretary to the Govt. of India

Telefax: 011-23062959

To

The Chairman/Secretary,  
Akash Educational and Development Trust,  
Prashanth Nagar, Devanhalli,  
Bangalore Rural District,  
Karnataka-562110

Copy to:

- 1 The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi.
- 2 The Secretary, Medical Education Department, Government of Karnataka State Secretariat Room No-105, Vikas Souda, Bangalore-560001.
- 3 The Registrar, Rajiv Gandhi University of Health Sciences, Bangalore-560041
- 4 The ADG (ME), Dte.GHS, Nirman Bhawan, New Delhi.
- 5 The Director, Medical Education, Govt. of Karnataka, Bangalore.