

BABA MUNGIPA MEDICAL COLLEGE AND  
RESEARCH CENTRE STUDENTS GUARDIAN FORUMS AND ANR.

A

v.

GOVERNMENT OF TRIPURA AND ORS.

NOVEMBER 3, 1997

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[SUHAS C. SEN AND M. JAGANNADHA RAO, JJ.]

*Indian Medical Council Act, 1956 :*

*Medical College—Recognition by University—Medical College established by an Education Trust in State of Tripura—Permission sought from Central Government—As no action was taken by Central Government appellant initiated legal proceedings—Direction issued by this Court to Central Government to take expeditious steps—In the meantime Trust got provisional affiliation of College from University and also admitted students—Application for grant of recognition—Inspection carried out by a team of Medical Council of India—Team noticed various deficiencies—Held until and unless the defects pointed out by the Medical Council are removed there cannot be any question of granting recognition to the College—College authorities are entitled to cure the defects—Thereafter they may apply to Medical Council for a further Inspection—But on facts no direction can be given to the Medical Council or Union of India for grant of recognition—Admission of students to College before grant of recognition held a very irresponsible step—College directed not to admit students before grant of recognition.*

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CIVIL APPELLATE JURISDICTION : Special Leave Petition  
Nos. 18168-68A of 1994.

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I.A. No. 5.

IN

From the Judgment and Order dated 16.5.94 of the Assam High Court in C.R. No. 1948 and 106 of 1993.

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P.P. Tripathi, Y.P. Mahajan, Anil Katiyar, Maninder Singh, Ms. Lira Goswami, Ms. Ameeta V. Duggal, Rajiv Mehta, K.K. Gupta, Himinder Lal and V.K. Verma for the appearing parties.

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A The following Order of the court was delivered :

Baba Mungipa Education Trust sought to establish a Medical College in Tripura. According to the trust, there was no Medical College in Tripura and the Trust tried to meet a long felt need in that State. It applied to the Central Government for permission to set up the College as required by the Indian Medical Council Act, on 1.11.1994. No action was taken on this application. Aggrieved by the inaction of the Central Government, the trust took various legal proceedings. Ultimately by an order dated 21.7.1995, this Court directed the Central Government to take expeditious steps for processing of the application and disposing it of in accordance with law in consultation with the Medical Council of India.

From time to time, this Court has given other directions. The Trust was successful in its effort to get a provisional affiliation of the College from the University. It has been stated on behalf of the Trust that they had set up the College and admitted students to the first year class. But after some time, because of the inaction by the University and the Central Government, classes had to be suspended. It is not disputed that no classes have been held for several years now.

The case of the Trust is that there is no reason not to grant recognition to this College. Some deficiencies in the facilities to be provided by the College have been noted by the Medical Council of India. Those defects will be cured once the College gets recognition. If the College is not recognised by the Medical Council, the students who have already been admitted will be seriously prejudiced. It has been prayed on behalf of the students also that the Medical Council of India should be directed to grant recognition to the College set up by the Trust.

An inspection was carried out by the Medical Council on the direction given by this Court on 28th July, 1997. A copy of the Inspection Report has been filed in this Court. It appears from the Report that the said inspection was carried out by a team of doctors deputed by the Medical Council of India on 23rd and 24th September, 1997. The Report noted various deficiencies in the College. It also noted that the College does not have a proper building and has not yet acquired the land to construct the building. On behalf of the College authorities, it has been stated that the land is expected to be given by the Government very soon and construction will start immediately.

H We are of the view that until and unless the defects pointed out by the

Medical Council of India are removed, there cannot be any question of A  
granting recognition to the College. The College authorities will be entitled  
to cure the defects pointed out in the Report. After curing the defects, they  
may apply to the Medical Council for a further inspection. It is for the Medical  
Council of India to decide whether the College had all the facilities for B  
imparting proper medical education. But on the facts brought out in the  
Report, no direction can be given to the Medical Council of India or the Union  
of India to take any step for granting recognition to the College. Admission  
of first year students to the College even before grant of the recognition by  
the Medical Council of India or affiliation by the University was a very  
irresponsible step. The College is directed not to admit any students till it  
obtains proper recognition. I.A. No. 5 is disposed of as above. C

T.N.A.

Petition disposed of.