IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No. 776/2017
(With I.A. No. 82637 of 2017)

LORD BUDDHA EDUCATIONAL SOCIETY & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)

O R D E R

This writ petition under Article 32 of the Constitution of India has been filed with the following prayers:-

(i) Quashing of the decision dated 14.8.2017 of the Ministry of Health and Family Welfare, Government of India, directing the petitioner-institute not to admit students in the MBBS Course for the academic years 2017-18 and 2018-19 and also authorising the respondent no. 2-Medical Council of India (MCI) to encash the bank guarantee of Rs. 2 crore submitted by the petitioner-institute.

(ii) Quashing of the recommendations dated 26.12.2016 made by the respondent no. 2-Medical Council of India (MCI) to the Ministry of Health & Family Welfare, Government of India, in respect of the petitioner-institute.

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Digitally signed by CHETAN KUMAR
Date: 2017.11.16 13:18:06 IST
Reason:

(iii) Issuance of directions to the respondent no. 1-Union of India to grant first renewal permission for the academic year 2017-18 in terms of the Oversight Committee's recommendation dated

14.5.2017, and also permit the petitioner-institute to admit 150 MBBS students for the academic year 2017-18.

(iv) Issuance of directions to the respondent no. 1-Union of India to confirm conditional Letter of Permission (LOP) in terms of the Oversight Committee's recommendations dated 14.5.2017 and directions to the respondent no. 2-Medical Council of India not to encash the bank guarantee of Rs.2 crores.

The petitioners have also moved an application for direction (I.A. No. 82637 of 2017), with the same prayer as mentioned at S.No. (iii) above.

Heard learned counsel for the petitioners, Mr. Maninder Singh, learned Additional Solicitor for the respondent no. 1-Union of India and Mr. Gaurav Sharma, learned counsel for the respondent no. 2-Medical Council of India.

Having heard learned counsel for the parties and keeping in view the recent decisions of this Court in *Royal Medical Trust and Anr. vs. Union of India and Anr.*[1], *Annai Medical College & Hospital and Anr. vs. Union of India and Anr.*[2], and *Medical Council of India vs. Ananta Charitable Eductional Society and Ors.*[3], it is directed that MCI shall allow the students admitted in the petitioner-institute on the basis of conditional LOP for academic year 2016-17 to continue their studies. MCI shall send a team for inspection of the petitioner-institute as per schedule for the academic year 2018-19. The application filed by the institution for

1 In W.P. (C) No. 747/2017 decided on 12.09.2017
2 In W.P. (C) No. 525/2017 decided on 14.09.2017
3 In SLP(C) no. 17732/2017 decided on 30.10.2017

academic year 2017-18 for renewal shall be treated as an application for academic year 2018-19. If deficiencies are noted by the Inspection Team, the same shall be brought to the notice of the institution, and it shall be granted liberty to remove the same within a specified time. Thereafter, the matter shall be placed before the Executive Committee of MCI. If any deficiency is still required to be removed, the same shall be removed by the institution within specified time, and if the institution is a compliant institution, the request for confirmation of LOP for the academic year 2016-17 and renewal of permission for the academic year 2018-19 may be dealt with appropriately.

The Ministry shall take a final decision within one month of the receipt of the recommendation from the MCI by taking assistance of the Hearing Committee as constituted by the Constitution Bench of this Court in *Amma Chandravati Educational and Charitable Trust and Ors.* Vs. *Union of India and Anr.*[4] or other directions in the said decision and in accordance with law.

We further direct that until the final decision is taken by the Ministry and communicated to the institution, the Bank Guarantee offered by the institution in the sum of Rs.2 crores shall not be encashed by MCI but the institution shall keep the same alive. If the Bank Guarantee has already been encashed by MCI in the meantime, the amount shall be refunded to the institution, which shall furnish a fresh Bank Guarantee in the like amount to the MCI within two weeks from the date of receipt of the amount.

Mr. Gaurav Sharma, learned counsel for the MCI would submit that the petitioners will be required to pay the

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4 In W.P. (C) No. 408/2017 decided on 18.07.2017

inspection fee if it is not paid, for the inspection to be conducted in terms of this order for considering confirmation of LOP for academic year 2016-17 and renewal application for academic year 2018-19.

In the event, the final decision of the Competent Authority of the Central Government is adverse to the institution, it will be open to the institution to take recourse to such remedies as may be permissible in law.

We further make it clear that the respondent no. 2 shall treat the renewal application submitted by the institution for academic year 2017-18, as having been made for academic year 2018-19 and process the same in accordance with law with promptitude.

The writ petition and I.A. No. 82637 of 2017 are disposed of in the above terms, with no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi;
November 13, 2017.

ITEM NO.29 **COURT NO.1** **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 (Civil) No. 776/2017

LORD BUDDHA EDUCATIONAL SOCIETY & ANR. **Petitioner(s)**

VERSUS

UNION OF INDIA & ANR. **Respondent(s)**

(FOR ADMISSION and IA No.82637/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.84813/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.108847/2017-EXEMPTION FROM FILING O.T. and IA No.108850/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 13-11-2017 This matter was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)
Mr. J.S. Bhasin, Adv.
Ms. Rashmi Priya, Adv.
Mr. Nishant Shokeen, Adv.
Mr. T. Mahipal, AOR

For Respondent(s)
Mr. Maninder Singh, ASG
Mr. Shadman Ali, Adv.
Mr. Girish Choubey, Adv.
Mr. Parthiv Goswami, Adv.
Mr. K.V. Girish Chowdary, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Ms. Amandeep Kaur, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The writ petition and I.A. no. 82637 of 2017 are disposed of in terms of the signed order.

All other pending interlocutory applications also stand disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)