

HCs should not allow seat increase in private medical colleges, says SC

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New Delhi: The Supreme Court on Wednesday frowned upon the practice in some high courts to pass interim orders permitting private medical colleges to increase their MBBS seats despite the regulator, Medical Council of India, refusing to allow hike in student intake after scrutinizing the institution's infrastructure and teaching facilities.

This ruling came from a bench of Justices H L Dattu and Chandramauli Kumar Prasad, which allowed the MCI's appeal against a Karnataka HC interim order permitting JSS Medical College to increase its student intake from 150 to 200 for the academic year 2011-12. This means, the college will now have to cancel the admission of the 50 additional students.

The college had applied to MCI in June last year seeking increase of its seats from 150 to 250. After the inspecting team gave a report on the college's inadequate infrastructure, clinical material and faculty, MCI declined the request. Later, the college approached



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the Karnataka HC, which by an interim order granted the relief.

The bench rejected contentions of senior advocate K K Venugopal, who appeared for the college, and said in normal circumstances, HCs should not issue interim orders granting permission to increase seats in medical colleges as in case of reversal of such decisions, students would suffer.

Accepting MCI counsel senior advocate Nidesh Gupta's argument, the apex court said, "In most such cases, when finally the issue is decided against the college, the welfare and plight of the students are ultimately projected to arouse sympathy of the court. It results in very awkward and

difficult situation."

Justice Prasad, who authored the judgment for the bench, said, "If on ultimate analysis it is found that the college's claim for increase of seats is untenable, in such an event the admission of students with reference to the increased seats shall be illegal. We cannot imagine anything more destructive of the rule of law than a direction by the court to allow continuance of such students, whose admissions are found illegal in the ultimate analysis." Though the court set aside the HC's interim order, it requested the HC to expeditiously decide the college's petition on merit without being influenced by the observations made by the bench.