



No. C-16013/8/2023/NMC/Coord
Government of India
National Medical Commission
(Policy & Coordination)



वैश्वेय कृदुमकम्
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Pocket- 14, Sector- 8,
Dwarka, Phase-1, New Delhi-77
Dated the 28th August, 2023

PUBLIC NOTICE

Sub: Filing of 1st/2nd Appeals under relevant sections [u/s 22(3), 28(5), 30(4), 35(5)] of NMC Act, 2019 – reg.

A public notice dated 28.12.2022 was hosted on NMC website prescribing therein procedure for filing 1st/ 2nd appeals before the National Medical Commission (NMC) under the NMC Act, 2019.

2. It has been observed that many colleges/ appellants are still not following the procedure for filing appeals under the aforesaid sections of NMC Act as per said public notice.

3. Accordingly, all concerned colleges/ appellants are hereby again informed that all appeals (along with relevant documents), against the orders of Boards under the Commission as provided under aforesaid sections of NMC Act, 2019 may be preferred by Dean/Principal of the Medical College/ appellant to the Commission by **addressing to Chairman, NMC** via **EMAIL ONLY** at '**nmc_appeal@nmc.org.in**' with the requisite documents as per the attached **checklist** (refer Annexure-I) and under the **stipulated time period** as per the NMC Act (refer Annexure-II).

3. All the communications must contain **the copy of duly filled checklist** and invariably bear the subject as under:

“1st/ 2nd appeal under section..... of NMC Act, 2019 against decision of ... (Name of the Board) ... regarding (subject matter of the appeal)”

4. The above email is only for the purpose of submission of Appeals under aforesaid sections of the NMC Act, 2019 and therefore no cognizance of appeal related communication would be taken if not sent on the above email Id or addressed otherwise.

5. This issues with the approval of Chairman, NMC.

(Pankaj Agrawal)
Director (Policy & Coordination)
National Medical Commission

Check List for preferring First/ Second Appeal to the National Medical Commission under Section [22(3), 28(5), 30(4), 35(5)] of the National Medical Commission Act, 2019

S.No.	Particulars	Date	Copy of documents attached
1.	Copy of Inspection report [in case of appeals u/s 28(5), 35 (5)]		(Yes/No) (Page No.)
2.	Letter of Board conveying deficiencies found/ Show Cause Notice, if any		(Yes/No) (Page No.)
3.	Compliance Report, submitted to board, if any		(Yes/No) (Page No.)
4.	Letter conveying the Decision of Board after filing of compliance report by the Medical College/ appellant, if any		(Yes/No) (Page No.)
5.	Appeal made by Medical College/ appellant before Board for review, if any		(Yes/No) (Page No.)
6.	Final decision of the Board (Letter of Permission/ Letter of Disapproval) against which appeal being filed now		(Yes/No) (Page No.)
7.	Whether the Appeal is addressed to Chairman, NMC and sent to e-mail ID "nmc_appeal@nmc.org.in".		(Yes/No)

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Annexure-II

Timelines prescribed under NMC Act, 2019 for filing of appeals to the Commission

S.No.	Section	Provisions for filing appeals to NMC under the Act
1.	22 (3)	“Subject to the provision of section 28, a person who is aggrieved by <u>any decision of an Autonomous Board</u> may prefer an appeal to the Commission against such decision <u>within sixty days of the communication of such decision.</u> ”
2.	28 (5)	“Where a scheme is disapproved under sub-section (3), or where no decision is taken within six months of submitting a scheme under sub-section (1), the person concerned may prefer an appeal to the Commission for approval of the scheme <u>within fifteen days of such disapproval or, as the case may be, lapse of six months,</u> in such manner as may be specified by the regulations” [Against the decision of Medical Assessment and Rating Board (MARB)]
3.	30 (4)	“A medical practitioner or professional who is aggrieved by the decision of the <u>Ethics and Medical Registration Board</u> may prefer an appeal to the Commission <u>within sixty days</u> of communication of such decision”
4.	35 (5)	“Where the <u>Under-Graduate Medical Education Board or the Post-Graduate Medical Education Board,</u> as the case may be, decides not to grant recognition to a medical qualification, the University or the medical institution concerned may prefer an appeal to the Commission for grant of recognition <u>within sixty days</u> of the communication of such decision, in such manner as may be specified by the regulations”

Approved