

ITEM NO.14+46

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).5623/2022

(Arising out of impugned final judgment and order dated 04-03-2022 in WP No. 1280/2022 passed by the High Court of Judicature at Bombay at Aurangabad)

NATIONAL MEDICAL COMMISSION & ANR.

Petitioner(s)

VERSUS

ANNASAHEB CHUDAMAN PATIL MEMORIAL
MEDICAL COLLEGE & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.46898/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.46899/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(C) No. 6345/2022 (IX)

(FOR ADMISSION and I.R. and IA No.52270/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.52271/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 08-04-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Tushar Mehta, SG
Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Avijit Mani Tripathi, AOR

For Respondent(s) Mr. Nidhesh Gupta, Sr. Adv.
Mr. Avijit Mani Tripathi, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 2 During the course of the hearing, the Court has been apprised of the fact that after the judgment of the High Court of Judicature at Bombay, at the Aurangabad Bench, dated 4 March 2022, a notice to show cause has been issued on 7 March 2022 to the Medical College to show cause as to why the recognition which was granted by the letter dated 15 July 2021 and the permission to start and/or conduct post graduate courses should not be withdrawn. In the meantime, the Medical College has been directed to stop admissions in pursuance of the deficiencies which were noticed during the course of the inspection which was conducted on 14/15 January 2022, with immediate effect.
- 3 *Prima facie*, at this stage, it appears that the finding of the High Court in regard to the lack of authority to issue a stoppage of admissions does not appear to be correct in view of the provisions of Section 26(1)(f) of the National Medical Commission Act 2019. We accordingly order and direct that the operative direction contained in paragraph 37 of the impugned order of the High Court, permitting the Medical College to admit 100 MBBS students for the academic year 2021-22 shall remain stayed, pending further orders. The National Medical Commission and the Medical Assessment & Rating Board (MARB) would be at liberty to carry out a fresh inspection within a period of two months for the purpose of determining as to whether any deficiencies in complying with the required norms continue to exist.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER