

No. V.11025/59/2023-MEP (E- 8213883)

Government of India
Ministry of Health & Family Welfare
(MEP Section)

Nirman Bhavan, New Delhi –11

Dated the 19th July, 2024

To

Joint Secretary

Medical Education and Drugs department

Government of Maharashtra

9th Floor, New Mantralaya,

Gokuldas Tejpal Hospital Building,

Lokmanya Tilak Marg,

Mumbai - 400 001.

Email: shivaji.patankar@nic.in

Subject- Admission process of College of Physicians and Surgeons of Mumbai (CPS) Institute-regarding

Sir,

I am directed to refer to ref. no. MED-2023/CR-37/Part-05/Edu-02 dated 26.04.2024 received from Medical Education and Drugs department, Govt. of Maharashtra regarding feasibility to commence the counselling process for admission in 10 recognized courses of CPS which were included in the schedule of Maharashtra Medical Council Act, 1965 based upon the NEET PG- 2023 score.

2 In this regard it is stated that the National Medical Commission (NMC) has been constituted by an act of Parliament known as National Medical Commission Act, 2019 as an apex body to regulate medical education in the country. Accordingly, the matter was referred to NMC for examination. NMC vide letter dated 05.07.2024 has provided the following comments:

- i. Any institute other than those included in the schedule of NMC Act, 2019 have to get prior permission of NMC to start a course of recognized qualification and get it renewed at regular intervals.
- ii. On the directions of Government of Maharashtra, MMC conducted inspection in 120 institutes/hospitals where CPS courses are being run.

MMC found that 2 hospitals are closed and 74 institutes refused inspection. Severe deficiencies were found in most of the institutes/hospitals inspected. MMC concluded that admitting students to such institutes would be detrimental to the career of the students and also for the health system.

- iii. PGMEB, NMC has issued show cause notice to CPS for not following regulations provisions under NMC Act. CPS was informed that NMC has no information of the hospitals/institutes where the courses are running. CPS informed that they are examination body similar to NBEMS which is misleading statement as NBEMS has been included in schedule of NMC and its qualifications are recognized. CPS has no authority to permit or recognize any course or qualification run by any hospital.
 - iv. NMC is of the view that there should be no admission to the PG medical courses run by the CPS, Mumbai.
3. Considering above, the Ministry is of the considered view that:

3.1 The power to give license to institute/hospitals other than those listed in schedule of NMC Act, 2019 to start a course of recognized qualification rests with NMC. Accordingly, there can not be any exemption for CPS from the statutory provisions of NMC Act, 2019 enacted by the Parliament.

3.2 As per Section 10A of erstwhile IMC Act, 1956 & Section 28 of NMC Act, 2019, no person shall establish a new medical college or start any PG course without previous permission of Central Government and EMRB of NMC respectively. As informed by erstwhile MCI vide letter dated 02.11.2017, no such permission was given to CPS.

3.3 Indian Medical Degrees Act, 1916, which empowers CPS to grant degrees, has been repealed by Repealing And Amending Act, 2016 (23 of 2016)

3.4 Upon repealing of Indian Medical Degree Act, 1956, CPS has lost its validity to confer the degree. Therefore, as on date, no course run by CPS, Mumbai should be recognized for the purpose of NMC Act, 2019 w.e.f. 09.05.2016.

4. Further, it has been observed in the submission of the NMC that the counselling for the admission for the Academic Year 2023 in the hospitals/institutions running courses under the umbrella of CPS, Mumbai would be started from 09.07.2024. This would be a violation of the Hon'ble Supreme court Order in the W.P. No.76/2015 in the case of Ashish Ranjan Vs. Uol and Ors. which stipulates that there can be no admission after the last date of joining. The last date of joining for the Academic Year 2023 was 30th

November, 2023.

5. In view of the aforesaid submissions request of counselling for the admission for the Academic Year 2023 may not be considered.
6. This issues with the approval of the Competent Authority.

Yours faithfully,

(Shubhendu S. Srivastava)
Under Secretary to Government of India
Telephone: 23061986