



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 02nd JUNE, 2023

IN THE MATTER OF:

+ **W.P.(C) 7375/2022 and C.M. No. 24825/2022**

R K TARUN

..... Petitioner

Through: Mr. Rohit Shukla, Advocate.

versus

NATIONAL MEDICAL COMMISSION & ORS. Respondents

Through: Mr. T. Singhdev, Mr. Tanishq Srivastava, Mr. Aabhaas Sukhramani, Mr. Abhijit Chakravarty and Ms. Anum Hussain, Advocates for Respondent No.1/ NMC.

Ms. Nikita Bhutani, Advocate for Respondent No.2.

Mr. Apoorv Kurup and Mr. Ojaswa Pathak, Advocates for Respondent No.3/UGC.

Mr. Mohinder J. S. Rupal and Mr. Hardik Rupal, Advocates for Respondent/Delhi University.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the Petitioner as a Public Interest Litigation (PIL) with the following prayers:

“i. Issue a writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s directing the Respondent No.1 to Initiate strict Action forthwith against: concerned Officials of Respondent No.1 for



conducting fraud inspections and submitting fabricated Inspection reports of a non-existent department of TB & Respiratory Medicine/Pulmonary Medicine/Respiratory Medicine, at the UCMS and the associated GTB Hospital.

ii. Direct the Respondent No.1 to initiate strict action against the Respondent No.4/UCMS for fraudulently claiming to run Department of TB & Respiratory medicine/pulmonary medicine at UCMS/GTB Hospital so as to get approval from the Respondent No.1/NMC for intaking 150+ MBBS students annually.

iii. Direct the Respondent No.3 to take appropriate steps to prevent misappropriation of funds by the concerned officials of UCMS/Respondent No.4.

iv. decide the Representation dated 31.03.2022 of the Petitioner forthwith within a stipulated time period, with a written intimation to the present Petitioner. And/Or;

v. Pass any other or further order/s or direction/s as this Hon'ble Court deems fit and proper be also awarded to the Petitioner and against the Respondents, in the interest of justice.”

2. The Petitioner, who is a practising Advocate, has filed the instant Public Interest Litigation (PIL) stating that the University College of Medical Sciences (UCMS) (*hereinafter referred to as 'UCMS'*), Dilshad Garden, Delhi which comes under University of Delhi and fully funded by University Grants Commission (*hereinafter referred to as 'UGC'*), is fraudulently misappropriating public money being committed by the concerned officials by claiming to run Department of TB & Respiratory medicine/pulmonary medicine in collusion with the Officials of the National



Medical Commission (*hereinafter referred to as 'NMC'*) and in fact no such Department is being run in the UCMS.

3. It is stated by the Petitioner that University College of Medical Sciences (UCMS) is a constituent college of University of Delhi and it imparts various medical and paramedical courses to both undergraduate and postgraduate medical students after obtaining requisite approval from the National Medical Commission (NMC). It is contended by the Petitioner that UCMS claims to have a full-fledged Department of TB & Respiratory medicine/pulmonary medicine which it does not possess.

4. The contention of the Petitioner is that without having requisite infrastructure, students are being admitted in the UCMS in violation of the norms laid down by the National Medical Commission (NMC).

5. Counter affidavits on behalf of National Medical Commission (NMC)/Respondent No.1, Ministry of Health and Family Welfare/Respondent No.2 as well as University College of Medical Sciences (UCMS)/Respondent No.5 have been filed in the matter.

6. In the Counter affidavit filed by the NMC (erstwhile Medical Council of India), it is stated that University College of Medical Sciences (UCMS) was established in the year 1971 as a medical college which is attached to Guru Teg Bahadur Hospital for teaching and training of its students. It is stated that initially, permission was granted to UCMS for intake of 150 students and the same was increased from 150 to 170 under EWS Quota from the academic year 2019-20. It is stated that UCMS is also conducting various postgraduate medical degree/diploma courses and super-speciality medical courses. It is stated that as per regulations, it is mandatory for every medical college to possess a Department of Tuberculosis and Respiratory Diseases. It is stated that after the Minimum Requirements for Annual



MBBS Admissions Regulations, 2020 was notified in the Official Gazette on 29.10.2020, now every college must possess a separate Department of Respiratory Medicine. It is stated that UCMS had applied for renewal of recognition of MBBS seats *vide* letter dated 22.06.2021 and an inspection was conducted and UCMS is having a separate of Department of Respiratory Medicine. It is stated that University of Delhi/Respondent No.4 in its counter affidavit dated 11.11.2022 has also categorically stated that the Department of Respiratory Medicine is fully functional with 21 beds and a Professor – Dr. Amit Kumar Verma has been appointed as Head of the Department along with the other faculty members.

7. Heard learned Counsel appearing for the Parties and perused the material on record.

8. The National Medical Commission (NMC) has brought out Regulations for minimum requirements which a medical college imparting education in medicine must possess which are called as Minimum Requirements for Annual MBBS Admissions Regulations, 2020. Under the said Regulations, every medical college and medical institution approved for MBBS admissions annually shall have 24 Departments wherein Department of Radiation Oncology being optional. Every medical college must have a separate Respiratory Medicine Department.

9. Material on record indicates that University College of Medical Sciences (UCMS) has a separate Department of Respiratory Medicine having a Professor – Dr. Amit Kumar Verma as Head of the Department along with the other faculty members.

10. The Ministry of Health and Family Welfare/Respondent No.2 has also filed its counter affidavit stating that Dr. Amit Kumar Verma is the Head of the Department of Respiratory Medicine. The Office Order dated



28.06.2022 issued by the Office of the Medical Director, Guru Teg Bahadur Hospital appointing Dr. Amit Kumar Verma, Professor as the Head of the Department of Respiratory Medicine with a direction to constitute a new Department of Respiratory Medicine with 21 beds has also been filed along with the counter affidavit.

11. In view of the above, the present PIL is devoid of merits. Resultantly, the PIL is dismissed, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JUNE 02, 2023

S. Zakir

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