

Central Information Commission

Gaurav Garg vs Medical Council Of India on 22 February, 2018

CENTRAL INFORMATION COMMISSION
Room No.414, Baba Gangnath Marg, Munirka
New Delhi-110067

F. No.CIC/MEDCI/A/2017/183555

Date of Hearing : 29.01.2018
Date of Decision : 29.01.2018
Appellant/Complainant : Shri Gaurav Garg
Respondent : PIO/Assistant Secretary & CPIO,

Medical Council of India Through: Sh. Shikhar Ranjan and Ms. Ranidipa Ghosh Information Commissioner : Shri Yashovardhan Azad Relevant facts emerging from appeal:

RTI application filed on : 20.04.2016
PIO replied on : - - -
First Appeal filed on : 16.05.2016
First Appellate Order on : - - -
2nd Appeal/complaint received on : 02.11.2016

Information sought and background of the case:

Vide RTI application dated 20.04.2016, the appellant stated that he had done post graduation in MD radio diagnosis from Dr RPGMC Tanda Himachal Pradesh, and got registration of PG in Himachal Pradesh but he was denied registration in Delhi. Hence he sought information as under:

1. What is the difference between MCI permitted and recognized post- graduate medical seats for students in MD/MS course.
2. & 3. If a student has completed his/her post graduation (MD/MS course) on an MCI permitted seat but not an MCI recognized seat, can he/she have registration of additional qualification (MD/MS) in the state or any other State in which the institute is located.
4. If a student has completed his/her post graduation (MD/MS course) on an MCI permitted seat but not an MCI recognized seat, is he eligible for obtaining degrees such as DNA, DM, MCI, PDCC, MNAMS.
5. Is the college of the university or the state government legally bound to fulfil the requirements in due time (3 years) for recognition of permitted post graduate (MD/MS course).
6. Has MCI taken any legal actions against the colleges, the universities or the states who have failed to fulfil the requirements for recognition permitted post graduate (MD/MS) seats in due time of 3 years. (Provide date of last 10 years).

Having not received any reply from the CPIO, the appellant filed first appeal dated 16.05.2016. Feeling aggrieved upon non receipt of any response from FAA, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and the appellant states that upon completion of his graduation course from Govt recognised medical college in Kangra, he got admission on All India quota and completed his specialisation and post graduation in radiodiagnosis for three years thereafter. However, much to his dismay when he sought registration of additional qualifications, he was informed that his post graduation is yet to be recognised by MCI and pending the recognition, his registration as well prospect of obtaining future degrees and qualifications was to be kept at abeyance. Therefore, the appellant filed this RTI application to know whether his course will be given recognition, and if so, by when.

The Respondent explained that the course was launched by the Medical College, however, owing to certain deficiencies noted by the MCI, this particular course has not been recognised as yet. The report about non recognition of this particular course of the Dr RPGMC Tanda Himachal Pradesh, has been published on the website. The Respondent admitted that the entire fracas has created unnecessary trouble for the students who had taken up the course, like the appellant. Thus, keeping in view the plight of the affected students, the MCI has sent a proposal to the Centre seeking that the successful candidates of the first three batches of successful students be allowed to be given recognition as a specialist. Currently, the said proposal is pending approval from the Central Government. The Commission is in receipt of submissions from the Respondent, vide email dated 09.02.2018, relevant extracts whereof are as under:

".....It is respectfully submitted that the MD (Radio Diagnosis) course at the said medical college was permitted on 31.03.2011 from academic year 2011-12.

4. It is respectfully submitted that in accordance with Section 11 of the Indian Medical Council Act, 1956 and Regulation 6 of Post Graduate Medical Education Regulation such permitted courses require recognition and at the time of final examination of the first batch recognition inspection is conducted. The inspection so conducted was not successful hence, the Council was not able to make a positive recommendation for inclusion of the said qualification in the first schedule of the IMC Act, 1956 to the Central Government.

5. It is respectfully submitted that after further inspection the Council office vide letter dated 31.08.2017 has sought for fresh compliance report from the college authorities.

6. It is respectfully submitted that in order to protect the interest of first three batches admitted on the strength of letter of permission granted by the Central Government, the Council has recently proposed to the Central Government that the

Council Regulation be permitted to be amended so as to ensure that the qualifications awarded in respect of first three batches are recognized and included in the first schedule of the IMC Act, 1956. A copy of the draft notification sent in this regard to the Central Government is enclosed and marked as Annexure-1.

7. It is respectfully submitted that the Central Government vide its letter dated 08.02.2018 has suggested that instead of three batches it should be for four batches for MD/MS/DM/M.ch Courses and for two batches of diploma courses. A copy of this letter is marked as Annexure-2. This proposal of the Central Government would be placed before the ensuing meeting of the Post-graduate Medical Education Committee for deliberations and approval.

8. It is respectfully submitted that once the above provision is notified in the Official Gazette of India and thereafter consequential Administrative action by the MCI and Central Government the grievance of Dr. Gaurav Garg regarding the recognition of his qualification of MD (Radio-Diagnosis) would stand resolved.

9. It is also respectfully submitted that the responsibility of ensuring the observance of norms laid down by the Council is upon the Medical College concern which is run by the Government of Himachal Pradesh for obtaining timely recognition.

Decision:

After hearing the averments and upon perusal of records of the case, the Commission finds that the delay in decision making in this case is indeed acting adversely on the career of budding doctors like the appellant in the instant case. It is a matter which concerns public health and thus the queries assume importance from the perspective of public interest. The Commission directs that a copy of this order may be sent by Registry of this Bench to the Secretary Health & Family Welfare, Government of India to ensure registration of the successful students as specialists to be expedited, considering the career and future of qualified doctors.

In view of the fact that the Respondent MCI has narrated the exact status with respect to the case at hand, before the Commission, it is directed that a copy of the same shall also be provided to the appellant within a week of receipt of this order.

The appeal is disposed of on the above terms.

(Yashovardhan Azad) Information Commissioner Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover) Designated Officer