

GOVERNMENT OF ANDHRA PRADESH
HEALTH, MEDICAL & FAMILY WELFARE (E) DEPARTMENT

Letter No. 22193/E1/2012-1

Dated 22-12-2012

From
The Principal Secretary to Government
HM&FW Department
A.P. Secretariat
Hyderabad

To
The President,
A.P. Private Medical / Dental Colleges Association
Flat No.103, Relance Residency,
Indira Park Road, Ashoknagar, Hyderabad
Hyderabad

The Principal,
Deccan College of Medical Sciences & AI
Run by Dar-Us-Salam Educational Trust,
Near DMRL X Roads,
P.O. Kanchan Bagh,
Hyderabad 500 058.

The Principal,
Shadan Institute of Medical Sciences & Research Centre,
Peerancheru, Hyderabad.

Sir,

Sub: DCMS, Hyderabad – Admission to PG courses for the academic year 2013-14 – Interim Stay granted by APHC and the orders of Apex Court – Conduction of CET – Views / response called for - Reg

Ref: 1.From the Principal. Lr. No. DCMS/National Eligibility- cum- Entrance Test-PG/2012/3148, dt. 10-11-2012.
2. Meeting with AFRC dt. 17-12-2012 on Fee fixation.
3.Order of the Apex court in TC(civil)No 101 of 2012.
4. Reprn. Dt. 18-12-2012 of A.P. Private Medical / Dental Colleges Managements Association, Hyderabad.

As you are aware , the Apex court in order dt 13.12.12 in TC(civil)No 101 of 2012 has observed that all the transferred cases, as well as the writ petitions, be listed for final hearing and disposal , irrespective of other part-heard or specially fixed matters on 15th, 16th and 17th January 2013. In all the matters where transfer has not yet been completed, those transfer petitions shall stand allowed and all the petitions, pending in the various courts, should be transferred to this Court by 15th January 2013 and be treated as transferred cases and be listed along with these transferred cases and the writ petitions.

2. The Apex court has ordered that in the meantime, the Medical Council of India , the Dental Council of India, as well as the States and Universities and other Institutions will be entitled to conduct their respective examinations for the MBBS, BDS and Postgraduate courses, but shall not declare the results of the same, until further orders of this Court.

3. I also bring to your notice that Medical Council of India in its Notification dt 15.02.12 has mentioned that 'in order to be eligible for admission to any PG course in a particular academic year, it shall be necessary for a candidate to obtain minimum of marks in National Eligibility-cum-Entrance Test, which is the subject matter in the TC (Civil) No. 101 of 2012 and others, at para 2.

4. It is also brought to your notice that as per Medical Council of India Post Graduate Regulations, 2000, Amended Notification, dt 21.12.10, Clause 9 Sub Clause VI under the heading "SELECTION OF POST GRADUATE STUDENTS" as under:-

VI – " In non-Governmental Medical Colleges / institutions, 50% (Fifty Percent) of the total seats shall be filled by State Government or the Authority appointed by them, and the remaining 50% (Fifty Percent) of the seats shall be filled by the concerned medical Colleges / Institutions on the basis of the merit list prepared as per the marks obtained in National Eligibility-cum-Entrance Test.

5. The Apex court in Priya Gupta Vs State of Chhatisgarh has , inter alia, observed as follows:

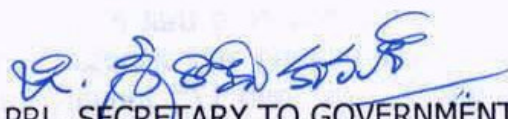
(ix) The admissions to all Government Colleges have to be on merit obtained in the entrance examination conducted by the nominated authority, while in the case of private colleges, the colleges should choose their option by 30th April of the relevant year, as to whether they wish to grant admission on the basis of the merit obtained in the test conducted by the nominated State authority or they wish to follow the merit list / rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges. The option exercised by 30th April shall not be subject to change. This choice should also be given by the colleges which are anticipating grant of recognition, in compliance with the date specified in these directions.

6. In view of the circumstances stated supra, I request the managements' of both private non-minority and minority colleges to **respond before 27.12.12 as to whether both non minority and minority associations are willing to participate in the PGMET which is to be conducted by the nominated State authority or they wish to follow the merit list / rank obtained by the candidates in the competitive examination collectively held by the nominated agency for the private colleges for the year 13-14 for both Competent Authority seats and Management quota seats**, so that AFRC could be addressed for fixation of fee for the years 2013-14, 2014-15 and 2015-16.

7. Your early response would facilitate the Govt. to file the submissions before the Hon'ble Apex Court before 7-1-2013 as ordered in the judgment dt. 13-12-2012 in TC (Civil) No. 101 of 2012.

8. It is also informed that after receipt of the response, the same would be communicated to the Admission & Fee Regulatory Committee (AFRC) for fixation of fee for both Competent Authority Quota seats and Management Quota seats for PG courses.

Yours faithfully


for PRL. SECRETARY TO GOVERNMENT

Copy to:

The Director of Medical Education, Hyderabad (with a request to host the letter in the web site)

The Vice-Chancellor, Dr. NTR University of Health Sciences, Vijayawada

The Advocate-On-Record, Supreme Court of India, New Delhi

O/o the Advocate General, High of A.P., Hyderabad