



PG medical admissions: Setback for unaided minority colleges

Court says seats should be given based on NEET merit list

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In a setback to unaided minority medical colleges, the Karnataka High Court on Thursday made it clear that admission to all postgraduate medical courses has to be made through a Common Counselling Authority under the Medical Council of India's (MCI) regulation, on the basis of the merit list of the National Eligibility-cum-Entrance Test (NEET), irrespective of whether the medical institutions are run by minorities or non-minorities.

"In view of MCI's Regulation 9A, no admission to postgraduate medical courses under any kind of quota, like Scheduled Castes, Scheduled Tribes, Other Backward Classes, non-resident Indians, management quota etc., can be made without the seat being allotted by the Common Counselling Authority on the basis of merit list of the NEET," the court clarified.



A Division Bench comprising Justice H.G. Ramesh and Justice John Michael Cunha passed the interim order while rejecting an application filed by Bengaluru-based St. John's National Academy of Health Sciences for vacating the stay order against admitting candidates to PG course based on its own admission procedure.

The academy had claimed that it had right to prescribe its own admission process as the Article 30(1) of the Constitution provides liberty to minority communities to establish and administer educational institutions.

Citing apex courts verdicts, the Bench said that it is now well settled that rights conferred under Art-

icle 30(1) of the Constitution are "not absolute" but they are "subject to regulatory measures for the maintenance of standards and excellence in education, which are necessary in the national interest".

Rachana Kishore Ubangala, an MBBS graduate from Mangaluru, had questioned the academy's own selection process, which include practical test score and marks for interview in addition to the NEET ranking, while complaining that those ranked below her had found place in the selection list.

The Bench said that the "common counselling mandated under Regulation 9A will check minority and non-minority institutions from choosing students arbitrarily from within the sources they are entitled to choose from".

Counselling

Meanwhile, the Bench permitted the academy to participate in the common coun-

selling and to admit students for the academic year 2017-2018 on allotment of seats. The Bench also permitted the students stated to have been given admission to the academy to participate in the counselling, subject to they fulfilling eligibility criteria.

'Entitled'

However, the Bench said that an unaided minority medical educational institution is entitled to indicate its choice of preferences, with regard to status of minority candidates, to the common counselling authority to fill up its entire sanctioned intake while making it clear that the State does not get any right under Regulation 9A to appropriate any seats available for admission in an unaided minority medical educational institution.

The Court adjourned further hearing to decide the question on whether the MCI's regulation 9A is legal or not.

More seats for State students in PG medical, dental courses

Additional 363 medical, 173 dental seats from pvt. colleges, deemed universities

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Nearly 64% of the total 2,281 postgraduate medical seats and 55.54% of the 929 postgraduate dental seats in the State have been reserved for students from Karnataka.

With the State government implementing the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Amendment Act, 2017, which mandates that 30% of the seats under the institutional quota should go to Karnataka students, the number of seats for State students in private colleges and deemed universities has shot up.

With this move, an additional 363 medical seats and 173 dental seats from private colleges and deemed universities are available for Karnataka students. This is in addition to the 1,096 government quota medical and 343 dental seats available for State students. All the seats will be available in the centralised counselling, which will be conducted by the Karnataka Examinations Authority (KEA) currently under way for PG seats for the 2017-2018 academic year.

However, students choosing seats that are part of the institutional quota will get no concession with regard to the fees. They will have to pay the fees based on the consensual agreement



A file photo of postgraduate medical, dental seat aspirants attending a counselling session in Bengaluru.

Bonanza for State students

Total medical seats	Seats available for students from State	Total dental seats	Seats available for students from State
2,281	1,459	929	516

Seat matrix

DEEMED UNIVERSITIES



PRIVATE COLLEGES



Minority institutions



30% of institutional quota seats will be available for students from Karnataka for 2017-2018 PG admissions

Govt. quota Institutional quota NRI and management quota

signed by colleges with the government in case of private colleges and deemed universities.

Minister for Medical Edu-

cation Sharan Prakash Patil, at a press conference on Wednesday, had said that this clause was brought into the Act with the advent of

the National Eligibility cum Entrance Test (NEET), which came into effect for medical and dental seats for the 2016-2017 admissions. "We did not want students from our State to be at a disadvantage," he said. However, if the number of Karnataka students is less, then other students can be admitted in the institutional seats.

Postgraduate seat aspirants have welcomed the move and feel it would help them bag seats in medical colleges in the State. Shwetha S., who is aspiring for a PG medical seat, said, "With NEET, the seats in medical and dental colleges in the State are open to students across the country, so this reservation will help in ensuring the interests of students from the State."

St John's PG admission process violates rule: HC

TIMES NEWS NETWORK

Bengaluru: The Karnataka High Court on Thursday said the admission procedure adopted by St John's National Academy of Health Sciences (St John's Medical College) is contrary to regulation 9A of the Post Graduate Medical Education Regulations, 2000. It also goes against the principle of merit, as the selection of students is not based solely on their NEET score/rank.

"The rule requires the college to follow the admission process mandated under regulation 9A. The regulation came into effect on March 11, 2017, and therefore is applicable to any PG course for 2017-18. If contrary, the admission is void," a division bench comprising justices H G Ramesh and John Michael Cunha observed while declining to vacate the March 21 stay order vis-à-vis the admission process.

Noting there is still time left for the college to follow the procedure laid down under regulation 9A, the bench permitted St John's to participate in the common counselling provided under 9A and to admit students for 2017-18 on allotment of seats by the Common Counseling Authority (CCA). Students admitted by the college and the petitioner were also permitted to approach the said authority, provide they fulfil the eligibility criteria.

The bench said seat allotment through common counselling to unaided minority educational institutions has

BAIL DENIED TO BHASKAR SHETTY'S WIFE

The high court on Thursday refused to grant bail to Rajeshwari Shetty, wife of NRI businessman Bhaskar Shetty, the main accused in his murder case. Justice P S Dinesh Kumar dismissed her bail petition.

Bhaskar Shetty went



missing from his house on July 28, 2016. The next day, his mother Gulabi Shetty lodged a missing complaint at the Manipal police station. On August 7, Rajeshwari was arrested on charges of murder and destroying evidence.

Relief for minister's son in bribery case

The high court set aside the September 7, 2016 order passed by a special court for Lokayukta cases in Mysuru summoning PWD minister HC Mahadevappa's son Sunil Bose and his assistant Raju in connection with a 2010 bribery case pertaining to sand transportation. Justice P S Dinesh Kumar allowed the criminal revision petitions filed by the duo. On March 27, 2010, Alphonso, an official attached

to the department of mines and geology, was caught red-handed while receiving a bribe (Rs 1 lakh) from Basavaraju, manager of a sand transport firm. During investigation, he said he took money on behalf of Sunil Bose. However, after three years, only Alphonso was charged with the crime. Basavaraju took objection to it and petitioned the court. The special court passed an order, asking Sunil and Raju to appear.

to be done in conformity with their rights guaranteed under section 30(1) of the Constitution. They (institutions) are entitled to indicate choice of preference like minority students for whom it is established, minority students from other states and non-minorities to CCA, in keeping with rights guaranteed under Article 30(1).

The bench clarified the government doesn't have any right under regulation 9A to appropriate any seats available for admission in an unaided minority institution, and any contrary interpretation will make the regulation go against Article 30(1).

On March 21, 2017, the court had passed an interim

order, staying further admission process for PG medical courses at the college on a petition filed by Dr Rachana Kishore Ubrangala.

The petitioner said though she had secured higher marks in NEET, her name was not there in the provisional list and less meritorious students were considered for admission.

According to the petitioner, she had obtained NEET PG rank of 1455 and NEET PG state rank of 247. Despite this, the college authorities did not select her for the interview. Those with lower ranks were considered based on marks in the practical test and interview in addition to NEET score.