



## SC says HC transgressed rule in granting relief to medical college

NEW DELHI: The Supreme Court has said a division bench of Allahabad High Court "abandoned the concept of judicial propriety and transgressed rule" in allowing a private medical college to admit 150 students to MBBS course. It also pulled up the college for having "polluted the purity attached to the justice dispensation system and sullied the majesty of law."

A three-judge bench, presided over by Chief Justice Dipak Misra, noted the HC for "some unfathomable and inscrutable" reasons passed an interim order granting permission for admission for academic session 2016-17 and 2017-18, without giving opportunity to the Centre and the Medical Council of India to respond to the plea by G C R G Memorial



Trust. The trust had first approached the apex court but it was allowed to withdraw its plea on August 28 with a liberty to approach the HC. The top court had then said the HC would not pass any interim order. A day later on August 29, the trust filed a writ petition in the HC which delivered its judgement on September 1.

"It is clear as the cloudless sky that the judgment of the

High Court shows unnecessary and uncalled for hurry, unjustified haste and an unreasonable sense of promptitude possibly being oblivious of the fact that the stand of the MCI and the central government could not be given indecent burial. Such a procedure cannot be countenanced in law," the bench, also comprising Justices A M Khanwilkar and D Y Chandrachud, said.

Overtuning the HC's decision by calling it as "totally unwarranted", the bench said, "such things create institutional problems". The court told the institution to pay Rs 10 lakh each to the students, and refund their fees. Besides, it asked the institution to pay Rs 25 lakh as cost for "absolutely blameworthy" conduct.

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# 13 medical colleges, teaching hospitals reel under specialists' shortage

## Not a single state-run medical college has emergency medicine specialist

Bharath Joshi

**BELAGAVI:** While the government is preparing to roll out its ambitious Universal Health Coverage scheme, 13 out of 16 state-run medical colleges and teaching hospitals attached to them have no specialists in niche areas like cardiology, nephrology, neurology among others.

The shortage of specialists is affecting treatment of patients, Medical Education Minister Sharan Prakash Patil admitted in a written reply to the Legislative Council.

Karnataka has 16 government medical colleges, to which 25 hospitals are attached. Thirteen medical colleges have no teaching or medical staff in the areas of cardiology, cardiothoracic surgery, surgical gastroenterology, medical gastroenterology, plastic surgery, pediatric surgery, neuro sur-



The highest vacancy is at Bangalore Medical College and Research Institute, where 2,578 posts out of the sanctioned 4,130 are vacant. DH FILE PHOTO

gery, neurology, endocrinology, transfusion medicine, urology, nephrology and clinical haematology, according to Medical Education department statistics.

It turns out that seven of them - KIMS Hubballi, BIMS

Belagavi, RIMS Raichur, BRIMS Bidar, GIMS Gadag, GIMS Kalaburagi and KIMS Koppal - are in North Karnataka, where health indicators are worrisome. Sample this: None of these medical colleges and hospitals attached to

### Total staff

- Sanctioned: 19,500.
- Working: 10,464.
- Vacant: 9,036

them has specialists in pediatric surgery even as 58% of infant mortalities in the state this year have taken place in North Karnataka.

Surprisingly, not a single state-run medical college, including the Bangalore Medical College and Research Institute (BMCRI), has specialists in the area of emergency medicine, which deals with care for patients requiring immediate attention.

In all, nearly half of the sanctioned teaching and administrative positions in medical colleges and hospitals are vacant. The highest vacancy, according to data, is at BMCRI where 2,578 posts

out of the sanctioned 4,130 are vacant.

"Teaching staff vacancies in medical colleges are being filled up through interviews and administrative positions are filled up through the Karnataka Examinations Authority. The shortage of medical officers in teaching hospitals will be met by getting persons deputed from the Health and Family welfare department," Dr Patil said.

Doctors from district hospitals are being deputed to teaching hospitals to meet the need, Additional Chief Secretary (Health and Family Welfare) Ajay Seth said. This arrangement, however, is not sustainable, Seth rued. "Shortage of trained medical professionals is a challenge for us as well. Below the district-level, getting specialists is difficult. There's a need for some out-of-the-box thinking," he stressed.

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# Med admissions: SC rips into HC bench's order

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**New Delhi:** The permission given by a division bench of the Allahabad high court to a Lucknow-based medical college to admit students just three days after the Supreme Court rejected the plea has elicited a strong reaction from the apex court, which called it a case of "judicial indiscipline" as it minced no words to reprimand the judges for violating judicial propriety.

A bench of CJI Dipak Misra and Justices AM Khanwilkar and DY Chandrachud expressed "shock" and slammed the judges for passing an order "for some unfathomable and inscrutable reason", a deviation which has the "potentiality to take justice to her coffin".

"It is a most unfortunate situation that the division bench has paved such a path. One cannot but say that the adjudication by the division bench tantamounts to a state

“ One cannot but say that the adjudication... tantamounts to a state as if they dragged themselves to the realm of **'willing suspension of disbelief'**. Possibly, they assumed that they could do what they intended to do. It has **the potentiality to take justice to her coffin**

— SC BENCH on HC judges

as if they dragged themselves to the realm of 'willing suspension of disbelief'. Possibly, they assumed that they could do what they intended to do. A judge cannot think in terms of 'what pleases the prince has the force of law'. Frankly speaking, the law does not allow so, for law has to be observed by requisite respect for law," the SC bench said.

The bench noted that the SC had, on August 28, restrained the HC from passing any interim order in favour of the medical college for the

current academic year while allowing the institution to withdraw its petition. The HC, however, allowed the college to admit students for the 2017-18 batch on September 1 without waiting for a response from the Centre and the Medical Council of India.

"It is clear as the cloudless sky that the judgment of the high court shows unnecessary and uncalled-for hurry, unjustified haste and an unreasonable sense of promptitude possibly being oblivious of the fact that the stand of the Medical Council of India and the central government could not be given indecent burial when they were parties on record. Such a procedure cannot be countenanced in law," the apex court said.

The apex court said: "It is necessary to add and repeat that the division bench had no reason to abandon the concept of judicial propriety and transgress the rules and further proceed on a path where it was not required to.