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SC: States cannot reserve seats for in-service doctors in P-G courses

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@New Delhi

THE Supreme Court on Tuesday declined any interim relief to a government doctors' association and said the Tamil Nadu government will have to grant admission in post-graduate medical courses to in-service doctors as per amended regulations of the Medical Council of India.

NEET conducts examination for admissions in Medical PG courses and 50 per cent seats are filled by the Centre and 50 per cent by the states which may give

incentive marks up to 30 per cent to government doctors who are serving in rural and remote areas.



Some states are seeking autonomy to decide the manner in which they would fill up their 50 per cent seats by devising norms on quota and challenge the MCI regulations to that effect.

A five judge Constitution bench of Chief Justice Dipak Misra and Justices A K Sikri, A M Khanwilkar, D Y Chandrachud and Ashok Bhushan dismissed an application for interim relief to stay Regulation 9(4) and (8) of

the Post Graduate Medical Education Regulations, which provide for such reservation to in-service doctors in post-graduate diploma courses and not for degree courses.

The bench said the counselling process for admissions in PG courses would go on as per the MCI regulations and its final verdict will decide the fate of admissions. The bench said prescribing a separate source of entry for in-service degree candidates would directly result in a lowering of standards in medical education.

The order came on a batch of petitions challenging MCI's regulations.

Medical Council backs state law on OCIs, PIOs as NRIs

Petitioners oppose restriction on claiming state quota seats

NEW DELHI: The Medical Council of India has told the Supreme Court there was no specific provision under its own regulations to deal with the question whether NRIs include Overseas Citizens of India and Persons of Indian Origin. It said every state government has its own law to provide reservation for seats in MBBS course and define the category of NRIs.



The medical education regulator endorsed provisions of the Karnataka Professional Educational Institutions (Regulations of Admission and Determination of Fee) Act, 2006, as amended in 2017, whereby PIOs and OCIs have been

treated within the category of NRIs.

A group of OCIs led by Shreya Joshi and others have challenged in the top court the Karnataka regulations, debarring them from competing for 85% state quota seats for admission to MBBS and

other professional courses in colleges of Karnataka by appearing in the national eligibility-cum-entrance test (NEET). They contended that PIOs and OCIs could not be treated within the category of NRIs.

Responding to a query put by a bench of Justices

Arun Mishra and U U Lalit, MCI's advocate Gaurav Sharma filed an affidavit stating the concept of reserving 15% seats for NRIs was evolved by the Supreme Court in its judgement in the P A Inamdar case (2005).

According to the Graduate Medical Education Regulator, 1997, all admissions to the MBBS course within the respective categories, including NRI students, have to be solely on the basis of marks obtained in the NEET.

"However, the reservation of seats for NRIs and the question as to who will be treated as NRIs and whether it includes OCIs and PIOs will be governed by the state enactment," it said.

With the amendment to the Citizenship Act, 1955, the OCIs claimed they had legal rights to secure admission like other citizens of the country.

The MCI, for its part, pointed to a notice issued by the Union government on July 28, 2017, stating that the NRI candidates, including OCIs and PIOs, were eligible for NRI quota only and only Indian nationals will be eligible for management seats.

The regulator urged the court to dismiss the petitions, while maintaining that every state government has its own laws to define NRI, OCI and PIO and their eligibility criteria to seek admission to professional courses.

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