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28/09

No. 27209/H5/Health/2014-15
GOVERNMENT OF PUDUCHERRY
HEALTH SECRETARIAT

Puducherry, dated the 28th September, 2015.

ORDER

WHEREAS vide Notice No.27209/H5/Health/2014-15 dated 21/09/2015, Pondicherry Institute of Medical Sciences (hereafter referred as 'PIMS') was directed to show-cause as to why the Essentiality Certificate dated 21/05/2013 and 11/10/2013 issued by the Government of Puducherry should not be treated as "withdrawn" for wilful failure to provide seats to the CENTAC / Government against the additional intake of 50 seats during 2014-15 and the deliberate avoidance through adoption of delaying tactics during the current year 2015-16 to share seats in respect of the additional intake of 50 seats, as these actions of PIMS were against public interest and interest of the student community of this Union Territory;

2. WHEREAS the show-cause was returnable by 25/09/2015, but Registrar of PIMS vide letter dated 25/09/2015 submitted that their Chairman who had been on a abroad trip would be returning only on 25/09/2015 and therefore requested for 2 more days to furnish the explanation by Monday, the 28th September, 2015;

3. WHEREAS as there was only 3 working days left for completion of admission process for 2015-16 (as on 25/09/2015), the request of PIMS for extension of time up to 28/09/2015 was not allowed; however, PIMS was granted extension of time up to 6 p.m on 26/09/2015 to send its response, if any;

4. WHEREAS, in response to the show-cause, PIMS submitted its reply vide letter no. dated 26/09/2015 and the sum and substance of its submission has been that the State has absolutely no power to impose any apportionment of seats upon unaided private professional institutions and that such fixation of quota could only be possible by consensual agreements entered into between the State and such private educational institutions and that it did not agree to surrender beyond the 35 seats. Further, it also submitted that the Essentiality Certificate does

not contain any condition to surrender additional seats over and beyond the 35 seats. Hence, requested to drop further proceedings pursuant to show-cause notice dated 21/09/2015;

5. WHEREAS in the meeting held on 26/09/2015, the Government of Puducherry reiterated that PIMS has to offer to the Government, proportionate seats against the additional intake. The Chairman of PIMS who attended the meeting stated that any decision on the issue can be taken only by the Board of Governors of the Trust and requested time up to 29th September 2015 to communicate the decision of the Board. However, due to shortage of time to complete the counseling / admission process, PIMS was given time to furnish the response of the PIMS Board until 3.00 p.m. on 28th September 2015 (Monday). In this regard, a letter No. 27209/H5/Health/2014-15 dated 26/9/2015 was also sent to PIMS. However, there has been no response from the PIMS Administration;

6. WHEREAS the response given by PIMS vide letter dated 26/09/2015 has been carefully considered and in this connection it is necessary to mention that the Essentiality Certificate dated 21/05/2013 issued by the Govt. of Puducherry has a specific condition that PIMS has to allot seats to Government on the increased intake in public interest and the Essentiality Certificate dated 21/05/2013 has never been superseded. It is also to be mentioned that the Essentiality Certificate dated 11/10/2013 is a continuation of the certificate dated 21/05/2013 and hence the contention of PIMS that the Essentiality Certificate does not contain any condition to surrender additional seats is not a true statement. Further, as the Essentiality Certificates have been issued subject to certain conditions as stated earlier and having utilized that Certificate to increase the intake capacity from 100 to 150, PIMS is estopped from reneging on sharing of seats on the additional intake.

7. WHEREAS during the academic year 2014-15, PIMS had filled up all the 115 management seats (150 minus 35 given to Government) on its own without going through the admission procedure conducted by the Permanent Admission Committee (which was constituted in compliance of the Hon'ble Supreme Court order in Islamic Academy case and P.A. Inamdar case to regulate the admission procedure in private unaided educational institutions) which is in total violation of the Hon'ble Supreme Court order;



8. WHEREAS taking note of the gross violation committed by PIMS in filling up the 115 management seats on its own by circumventing the Permanent Admission Committee, the Chairman of Permanent Admission Committee Hon'ble Justice A.C. Arumugaperumal Adityan, vide order dated 25/02/2015 held "that the admission and other connected activities carried out by the PIMS for the academic year 2014-15 as *abinitio* null and void"

9. WHEREAS in view of the order dated 25/02/2015 in para 7, the admission done by PIMS in respect of the management seats during 2014-15 are illegal and it only shows that PIMS has scant respect for observance of Rule of Law and the rules and regulations;

10. WHEREAS the wilful failure of PIMS to provide seats to the CENTAC / Government of Puducherry against the additional intake of 50 seats during 2014-15 and the conduct and recalcitrant attitude of PIMS during the current year 2015-16 with a view to avoid giving seats against the additional intake, are responsible for Puducherry CENTAC Students and Parents Association calling a "bandh" on 22/09/2015 which disrupted normal life and economic activities and caused hardship and economic loss to the general public. This supports that PIMS instead of promoting public interest and public order, has by its wilful action, acted against the public interest and public order;

11. WHEREAS by denying due share of seats to the Government on additional intake and having enjoyed the fruits of gross violations once during 2014-15 as mentioned in paragraph 7 to 9 *supra*, PIMS has again adopted dilatory tactics and taken recalcitrant position to recreate the situation of 2014-15 so that it could fill up the due share of government seats on the additional intake ;

12. WHEREAS the present actions of PIMS are also clear violations of the directions issued by the Permanent Admission Committee vide No. 263/H5/Health/ 2014-15/96 dated 24/08/2015 to regulate the admission of additional intake of 50 seats by PIMS ;

13. WHEREAS it is evident from the above, that PIMS by not providing proportionate seats to the government on the additional intake during 2014-15 and 2015-16 has acted against the 'public interest' which formed the very basis for issuance of Essentiality Certificate for increasing the intake capacity;



14. NOW, THEREFORE, in view of the above facts and circumstances and in order to protect the public interest and the interest of the student community of this Union Territory, the Government of Puducherry is constrained to **WITHDRAW** the Essentiality Certificate dated 21.05.2013 and 11.10.2013 issued to Pondicherry Institute of Medical Sciences for increase of intake of MBBS seats from 100 to 150.

//BY ORDER //


(V. JEEVA)

UNDER SECRETARY TO GOVERNMENT (HEALTH)

To

The Chairman,
Pondicherry Institute of Medical Sciences (PIMS),
Kalapet, Puducherry.

Copy for information & necessary action to :

1. The Secretary, Medical Council of India, Sector-8 / Pocket 14, Dwaraka, New Delhi- 77
2. The Under Secretary (Medical Education), Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi -110 001 (Telefax: 011-23061120)
3. The Registrar, Pondicherry University, Kalapet, Puducherry – 605 014
4. The Permanent Admission Committee of U.T. of Puducherry
5. Secretary / Director (Higher Education), Govt. of Puducherry, Puducherry
6. Director (Health Services), Govt. of Puducherry, Puducherry.