

പതിമൂന്നാം കേരള നിയമസഭ

ഒൻപതാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം. 4022

26.06.2013-ലെ മറുപടിക്ക്

കേരള പ്രൈവറ്റ് മെഡിക്കൽ കോളേജ് മാനേജ്മെന്റ് അസോസിയേഷൻ സർക്കാരുമായി ഉണ്ടാക്കിയ കരാർ

ചോദ്യം

ശ്രീ. ജി. സുധാകരൻ :
ശ്രീ. ടി. വി. രാജേഷ് :
ഡോ. കെ. ടി. ജലീൽ :
ശ്രീ. എ. പ്രദീപ്കുമാർ :

ഉത്തരം

ശ്രീ. വി. എസ്. ശിവകുമാർ
(ആരോഗ്യവും കുടുംബക്ഷേമവും
ദേവസ്വവും വകുപ്പ് മന്ത്രി)

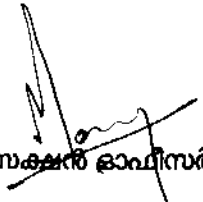
(എ) കേരള പ്രൈവറ്റ് മെഡിക്കൽ കോളേജ് മാനേജ്മെന്റ് അസോസിയേഷൻ സർക്കാരുമായി ഉണ്ടാക്കിയ കരാറിൽ നിന്നു പിന്മാറുകയാണെന്ന് സർക്കാരിനെ അറിയിച്ചിട്ടുണ്ടോ ; കരാറിൽ നിന്ന് പിന്മാറാൻ എന്താണ് കാരണമെന്നറിയിക്കാമോ ; കരാറിന്റെ പകർപ്പ് സഭയുടെ മേശപ്പുറത്ത് വയ്ക്കാമോ ;

(ബി) ഈ സംഘടനയുമായി ഏർപ്പെട്ട കരാർ നിയമസാധ്യത ഉള്ളതാണോ ; എങ്കിൽ ഏകപക്ഷീയമായി കരാറിൽ നിന്നു പിൻവാങ്ങുന്നതിനെതിരെ നടപടി സ്വീകരിക്കുമോ ;

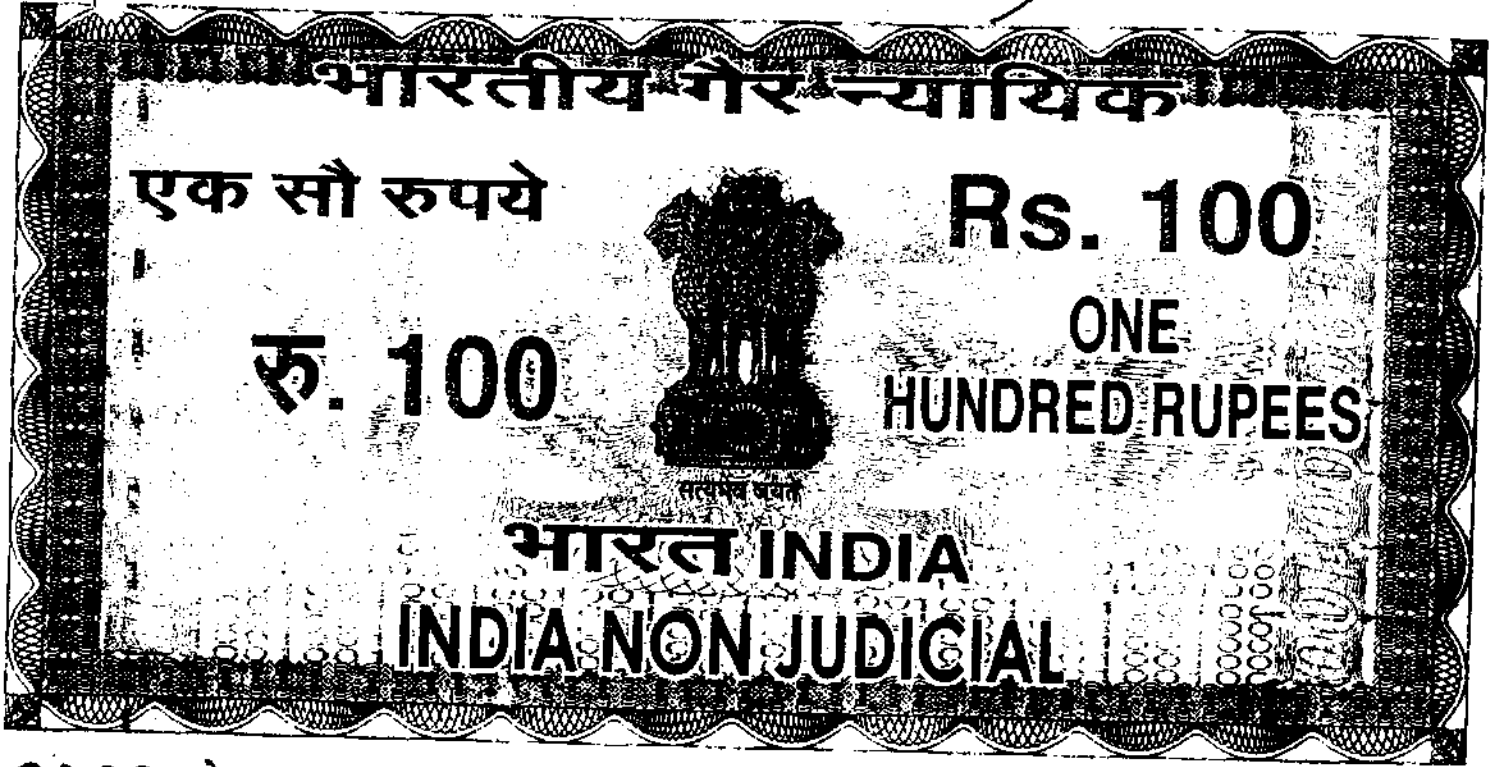
(സി) മെഡിക്കൽ കൗൺസിലിന്റെ വിജ്ഞാപന പ്രകാരമുള്ള നിബന്ധനകൾ പാലിക്കാത്ത ഈ കോളേജുകൾക്കെതിരെ എന്തു നടപടി സ്വീകരിച്ചെന്നറിയിക്കാമോ ?

(എ) & ബി)
കേരള പ്രൈവറ്റ് മെഡിക്കൽ കോളേജ് മാനേജ്മെന്റ് അസോസിയേഷൻ സർക്കാരുമായി ഒപ്പുവച്ച കരാർ പ്രകാരം അഡ്മിഷൻ സൂപ്പർവൈസറി കമ്മിറ്റിയുടെ മേൽനോട്ടത്തിൽ മാനേജ്മെന്റ് സീറ്റുകളിലേക്കുള്ള പ്രവേശനത്തിനായി നടത്തുന്ന പരീക്ഷ റദ്ദാക്കുന്ന സാഹചര്യമുണ്ടായാൽ പ്രസ്തുത കരാറിന് സാധ്യതയില്ല എന്ന വ്യവസ്ഥയുണ്ടായിരുന്നു. ഇത്തരത്തിൽ ആദ്യം നടന്ന പരീക്ഷയിൽ ചില ക്രമക്കേടുകൾ കണ്ടെത്തിയതിനെ തുടർന്ന് അഡ്മിഷൻ സൂപ്പർവൈസറി കമ്മിറ്റി പ്രസ്തുത പരീക്ഷ റദ്ദാക്കുകയും ചെയ്തിരുന്നു. ഈ സാഹചര്യത്തിലാണ് കരാറിൽ നിന്ന് പിന്മാറുന്നുവെന്ന് അസോസിയേഷൻ സർക്കാരിനെ അറിയിച്ചിട്ടുള്ളത്. കരാറിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.

(സി) മെഡിക്കൽ കൗൺസിലിന്റെ നിബന്ധനകൾ പാലിക്കപ്പെടുന്നുണ്ടോ എന്ന് പരിശോധിക്കേണ്ടതും പാലിക്കാത്ത കോളേജുകൾക്കെതിരെ നടപടിയെടുക്കേണ്ടതും മെഡിക്കൽ കൗൺസിൽ ഓഫ് ഇന്ത്യയാണ്.


സെക്ഷൻ ഓഫീസർ

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കേരളം കേരള KERALA

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AGREEMENT

CONSENSUAL AGREEMENT ENTERED INTO ON THIS THE TWENTY THIRD DAY OF MAY TWO THOUSAND THIRTEEN (23/05/2013) AT THIRUVANANTHAPURAM BETWEEN THE GOVERNOR OF KERALA (HEREINAFTER REFERRED TO AS THE GOVERNMENT) REPRESENTED BY SRI. D.SHAJI, ADDITIONAL SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT OF KERALA ON THE ONE PART AND THE KERALA PRIVATE MEDICAL COLLEGE MANAGEMENT ASSOCIATION (HEREIN AFTER REFERRED TO AS THE 'ASSOCIATION') REPRESENTED BY SRI. A. ABDUL SALAM, SECRETARY, THE QUIOLN MEDICAL TRUST ON BEHALF OF THE SECRETARY, KERALA PRIVATE MEDICAL COLLEGE MANAGEMENT ASSOCIATION ON THE OTHER PART, FOR REGULATING ADMISSIONS TO MBBS COURSE IN THE FOLLOWING MEMBER COLLEGES OF THE ASSOCIATION FOR THE ACADEMIC YEAR 2013-2014.

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 Additional Secretary to Govt.
 Health & Family Welfare Dept.
 Govt. Secretariat, Thiruv.
 Tel. No. 2337647/2512344

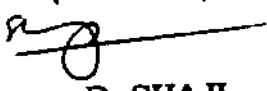


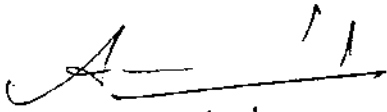
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Sl. No	Name of Medical College	Total No. of seats
1.	Sree Gokulam Medical College and Research Foundation Venjaramoodu, Thiruvananthapuram - 695 607	150
2.	MES Medical College, Perinthalmanna, Malappuram	100
3.	SUT Medical College, Vattappara, Thiruvananthapuram	100
4.	KMCT Medical College, Kunhitharuvai Memorial Charitable Trust, No.1, Malabar Christian College Cross Road, Kannur Road Jn., Kozhikode - 673011	100
5.	Azeezia Medical College, Podikunju Musaliar Memorial Charitable & Educational Trust, Chandanathope P.O., Kollam-691104	100
6.	Travancore Medical College, Quilon Medical Trust, By pass Road, Mylappore, Umayanalloor.P.O, Kollam	100
7.	Sree Narayana Institute of Medical Sciences, Gurudeva Charitable Trust, Chalakka, North Kuthiyathodu, Ernakulam	100
8.	Malabar Medical College, Sree Anjaneya Medical Trust, Modakkallur.P.O, Atholi (via), Kozhikode	150

WHEREAS the Government is desirous of ensuring admission to 50% seats in Private Self-financing professional colleges from the list of students on the basis of merit from the list of students who have qualified themselves in National Eligibility Cum Entrance Test- UG 2013 (NEET UG - 2013), in accordance with merit and complying with the principles of reservations in Government Colleges;

WHEREAS the Government, in accordance with the above social obligation has conducted discussions with the Association and Managements of the


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Member colleges for arriving at a consensual agreement on mutually acceptable terms;

WHEREAS the Association and Managements of the member colleges have participated in the discussions have expressed their desire to arrive at a consensus with the Government in respect of admission of students to the above colleges, collection of fees and refundable interest free deposit from the students admitted in their college;

AND WHEREAS such consensual agreement is within the framework of law as contemplated in various decisions rendered by the Honorable Supreme Court of India;

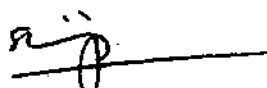
AND WHEREAS the Government, the Association and the Managements of the Member colleges have arrived at a consensus to fulfill the above objective by entering into an agreement for the academic year 2013 -2014;

AND WHEREAS the Association and Managements of the Member Colleges have resolved to enter into an agreement with Government in respect of admission and collection of fees from students admitted for MBBS course 2013-14 in their college on the following terms and conditions:

NOW THE AGREEMENT WITNESSETH AS FOLLOWS

1. 50% of total seats in the member colleges will be filled up by the Government from the list prepared by the Commissioner for Entrance Examinations who have qualified in the NEET UG -2013, in accordance with merit and reservation principles followed by Government from time to time, subject to clause 2 and 3 below.
2. Whereas the member college has minority status, 30% seats out of the above 50% seats (ie, 15 seats out of 100 seats) will be filled up by the Government from the list prepared by the Commissioner of Entrance Examinations by the students belonging to the minority community which established the member college based on their *inter se* merit.

3. (a) 30% out of the 50% seats agreed to be filled up by the Government, ie, 15 students in the MES Medical College shall be made from the students belonging to Muslim community, on the basis of their *inter se* merit in the rank list published by the Commissioner for Entrance Examinations.
- (b) 30% out of the 50% seats agreed to be filled up by the Government, ie, 15 students in the KMCT Medical College shall be made from the students belonging to Muslim community, on the basis of their *inter se* merit in the rank list published by the Commissioner for Entrance Examinations.
4. The Commissioner for Entrance Examinations shall furnish the list of the students to be admitted in the college by the management concerned and the management concerned shall admit the students specified in the list. The students in the list will be given specific instructions as to the date and time of presentation before the college for admission, the amount of fees to be paid and the record to be submitted at the time of admission. The management concerned shall admit the students who have complied with the instructions as certified by the Government. The Government shall furnish such list on or before the 20th day of September 2013.
5. If any student is not admitted by the management concerned for specific defects or for reasons to be recorded in writing, it shall intimate the Government the defects or reasons as the case may be and the Government shall rectify the defects or state the reasons for accepting the list or furnish a revised list which the management concerned shall accept and admit the students accordingly following the above procedures but in any case not later than 5 PM on 20th September 2013. The management concerned shall be entitled to fill those seats still remaining unfilled after 20th September 2013. The Government shall not have any claim over such seats after 20th September 2013 and the forfeited seats shall not be brought forward to succeeding year for compensation.


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6. The Managements concerned agree to collect annual fees at the following concessional rates from the students admitted under the 50% Government merit Quota, during the entire course period.

a)	Students belonging to BPL/SEBC family as per state Government norms, not exceeding 40% seats, [ie, 14% (7 out of 100 seats) from BPL Families and 26% (13 out of 100 seats) from SEBC Students]	₹ 25000/- p a
b)	If there are not sufficient candidate in (a) above, candidates with lowest income based on income certificate to be produced from competent authority.	
c)	Candidates who have got admission under SC/ST reservation categories	To be paid by the Government of Kerala at the uniform rate fixed by Govt.
d)	Other candidates	₹ 1,65,000/- p a

Signed and sealed receipt shall be given by the management/College for all the fees collected. Annual fees for SC/ST students shall be paid by the Government to the concerned college, at the rate of uniform fees to be fixed by Government of Kerala.

7. The annual fees fixed as above shall be the complete tuition fee. However the management concerned shall be entitled to collect such other fees payable by the management including University fees, Government fees, Medical Council of India fees, transportation charges, examination conducting charges, establishment charges etc, which shall be specifically listed out and published each year during the entire course of study. The management concerned shall not collect any amount from any student so admitted, other than those specified above.
8. The remaining 50% of the seats shall be filled up by the management by the following methods:

- (a) The Managements are entitled to fill up 15% seats in the NRI category by admitting the eligible students who are children/dependants of Non


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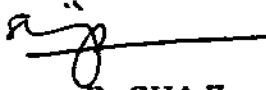
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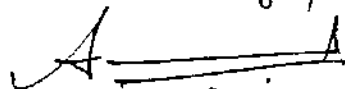
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Resident Indians, as per the conditions stipulated in GO(MS)No.34/2013/H&FWD dated 05.02.2013 and GO(MS)No.193/2013/H&FWD dated 22.05.2013. All these Students are exempted from qualifying in any Entrance Test and can be admitted based on their academic eligibility as stipulated by the respective University. The Managements can collect up to ₹ 10,50,000/- (Rupees Ten Lakhs Fifty Thousand only) for MBBS course as fees from NRI candidates per annum.

- (b) Out of the remaining 35% seats, 15% seats (ie, 15 seats out of 100 seats) will be privilege seats and the Managements concerned shall be entitled to fill up these seats irrespective of their rank in the rank list prepared by the Management Consortium based on the Common Entrance Test conducted by the Consortium under the supervision of the Admission Supervisory Committee for Professional Colleges, for allotment under Management Quota. In the event of no candidates available in the rank list prepared by the Management Consortium, the remaining seats will be filled up by the Managements from the candidates who qualified in the NEET-UG 2013 Examination, irrespective of their rank in the rank list.
- (c) The balance 20% seats, (ie, 20 seats out of 100 seats) will be filled up by the Managements concerned, according to the rank of the candidates in the rank list prepared by the Management Consortium based on the Common Entrance Test conducted by the Consortium under the supervision of the Admission Supervisory Committee for Professional Colleges.

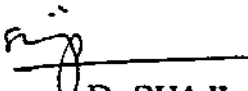
9. Each Student thus admitted by the management concerned to the above mentioned 35% seats shall pay annual tuition fee up to ₹ 7,00,000/- (Rupees Seven Lakhs only), for which signed and sealed receipts shall be given by the Management concerned. In addition to this the managements can collect an amount of ₹ 5,00,000/- (Rupees Five lakhs only) from the students in the category as interest free deposit. It shall be refunded at the end of the course without interest. In addition to the above the management shall be entitled to collect such other fees payable by the management to the University, Government, Medical Council of India and transportation

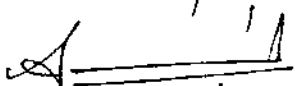

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charges, examination conducting charges, extracurricular and other establishment charges etc.

- 10 Each Student thus selected for admission shall remit the said amount as mentioned in clauses 8 (a),(b) & (c) for the first year of the course and produce a bank guarantee from Nationalised Bank or Scheduled Bank for an amount covering the fee for the remaining four years, i.e. for the entire course of study.
11. The Management concerned undertakes that no consideration in cash or kind other than those specified above shall be received, accepted or collected in any form whatsoever from any student admitted to the college. It shall be the liability of the educational agency concerned to redress complaints from the students, on any matter other than those covered by the terms and conditions of this agreement. Where the second party fails to redress any complaints referred to as above or on any matter covered under this agreement, it shall be the duty of the First party to take such steps as required under law to redress the complaints.
12. The Government shall arrange to provide PHC/CHC/Autopsy facilities and ensure supply of cadavers required for the college of the Management mentioned above as per the norms fixed by the Government to the Management which have signed the agreement with the Government.
13. The Management will be free to execute appropriate Service bond from the students admitted under Government quota, except SC/ST students, for a period not exceeding one year, on similar terms as the Bond executed by the students admitted in Government medical colleges.
14. It shall be the duty of the first party to submit this consensual agreement before the Admission Supervisory Committee and Fee regulatory Committee constituted by the State for post facto approval.
15. The Management shall be entitled to collect uniform tuition fees not more than ₹ 4,00,000/- (Rupees Four Lakhs Only) excluding those admitted under


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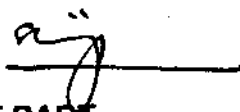
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NRI quota in the event of this consensual agreement is not approved as stipulated in Clause 14 above and not operative in its entirety or the consensual agreement or the fee structure mentioned in Clause 6 & 9 above are declared to be void or not enforceable by the Courts or any authority competent to declare so.

16. In the event of cancellation or nullification of the Common Entrance Test conducted by the Association/Consortium in order to admit 35% of Management quota seats, this consensual agreement will become null and void.

SIGNED AND DELIVERED ON THIS TWENTY THIRD DAY OF MAY 2013 IN THIRUVANANTHAPURAM IN THE PRESENCE OF WITNESSES

PARTY ON THE FIRST PART


D. SHAJI
Additional Secretary to Govt.
Health & Family Welfare Dept.
Govt. Secretariat, Trpm.
Tel. No. 2337087/2518344

WITNESSES

(i) T. Momoj
Section Officer
H & FW (S) Dept

(ii) SAGITHA.T
Sr. Grade Assistant
Health & Fw (S) Dept.
Govt. Sect, Trpm.

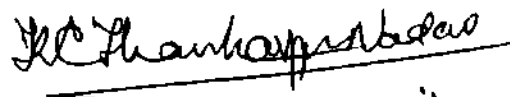


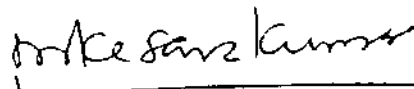

Abdul Salam
PARTY ON THE SECOND PART

WITNESSES

(i) K.C. Thankappan Nadar
T C 2/3043, PMRA - B. 36.
Mangannorkonam,
Palton TUM

(ii) M. Kesava Kumar
Gunde Vilas
pettch.
Trivandrum - 24


K.C. Thankappan Nadar


M. Kesava Kumar