

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**CONT. CAS (C) No. 91 of 2021**

Laiphrakpam Manihar Singh

***Petitioner***

**Vs.**

Dr. Rajesh Kumar, IAS; & Ors.

***Respondents***

BEFORE  
**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR  
HON'BLE MR JUSTICE MV MURALIDARAN**

**31.03.2022.**

***Sanjay Kumar (C.J.):***

Ms. Swarnalata, learned counsel, appears for the petitioner.  
Mr. L. Raju, learned counsel, appears for respondents No. 1, 2 & 3.  
Mr. BR Sharma, learned CGC, appears for respondents No. 4 & 5.

This contempt case was instituted alleging willful disobedience to the order dated 30.12.2020 passed by a Division Bench of this Court in PIL No. 46 of 2020. The case was filed seeking increase in MBBS course seats in the State of Manipur. By the order dated 30.12.2020, the Division Bench disposed of the case with a direction that the State Government should take appropriate and immediate steps, as required by the guidelines of the Medical Council of India, now known as the National Medical Commission, in order to ensure that the number of seats for admission to MBBS Course at Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Imphal, increases from 100 to 150 from the academic session 2021-2022. Alleging that steps were not taken by the State Government in that regard, the petitioner instituted this contempt case.

The Chief Secretary, Government of Manipur, filed an affidavit on 23.03.2022 stating that JNIMS, Imphal, is a medical institution run by a Society,

having a separate legal entity, and therefore the process for increasing intake of seats at JNIMS for the academic year 2021-22 was entirely within its purview. The Director, JNIMS, was stated to have addressed letter dated 22.02.2022 to the Deputy Secretary, Health & Family Welfare, Government of Manipur, stating that communication had already been made with the National Medical Commission for taking necessary steps to increase the MBBS seats from 100 to 150 in the college for the academic session 2022-2023. The Additional Chief Secretary, Health & Family Welfare, Government of Manipur, filed a separate affidavit stating to the same effect. The Director, Health & Family Welfare, Manipur, stated in his affidavit that he had nothing to do with the administration of JNIMS and that it was entirely within its purview to take up the issue of increase of seats with the National Medical Commission.

The Chairman of the National Medical Commission filed an affidavit on 08.12.2021, stating that the scheme/application submitted by JNIMS vide letter dated 15.12.2020 was found to be incomplete as a valid Consent of Affiliation from the concerned affiliating university for the additional seats was missing. He further stated that the Commission addressed letters dated 04.06.2021 and 19.10.2021 requesting JNIMS to send the valid Consent of Affiliation but to no avail. Further, the college had also failed to submit the GST component of the fees and this was also brought to its notice vide letter dated 04.06.2021. He further stated that at this stage, the Commission cannot consider any application for enhancement of seats for the academic year 2021-2022 as a decision had been taken to that effect, owing to the Covid-19 pandemic. The Commission was stated to have taken a unanimous decision on 03.08.2021 not to carry out inspections for increase of seats for the academic year 2021-2022 and to carry forward the schemes so received to the next academic year 2022-2023. This decision was stated to have been communicated to JNIMS vide letter dated 27.08.2021. He further stated that letter dated 19.10.2021 had been addressed to JNIMS to furnish a valid Consent of Affiliation as well as comments/clarification on the GST component of the fees. The College is stated to have

submitted the Consent of Affiliation under letter dated 21.10.2021. He concluded by stating that the same would be considered for the academic year 2022-23.

In the light of the facts and circumstances brought out by the pleadings set out *supra*, it appears that the State Government does not have much of a role to play in procuring additional MBBS seats at JNIMS, Imphal. It is for the management of JNIMS, Imphal, to do the needful so that the National Medical Commission can effectively consider the application made for enhancement of such seats. Significantly, no official of JNIMS, Imphal, was impleaded in this case.

In any event, the direction of the Division Bench with regard to the State Government doing the needful for the academic session 2021-2022 is no longer capable of implementation in the light of the decision taken by the National Medical Commission not to increase the student-strength for the academic year 2021-22 long before the institution of this contempt case.

This Court therefore finds no grounds made out to exercise contempt jurisdiction against any of the named respondents.

However, this Court is constrained to observe that it is for all the stakeholders involved to pursue the matter in right earnest so as to improve the lot of the State of Manipur by securing more seats for MBBS course. The State authorities must be mindful of the assistance, if any, required by private medical colleges in this regard and lend a helping hand.

Subject to this observation, the contempt case is closed.

No order as to costs.

A copy of this order shall be supplied online or through whatsapp to the learned counsel for the parties.

**JUDGE**

**CHIEF JUSTICE**

*Sandeep*