

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART-1 SECTION-1)

No. F. 10-9/2007-U.3(A)
Government of India
Ministry of Human Resource Development
(Department of Higher Education)

Shastri Bhawan, New Delhi
Dated: 25th September, 2014

NOTIFICATION

Whereas the Central Government is empowered under Section 3 of the University Grants Commission (UGC) Act, 1956 to declare, on the advice of the UGC, an institution of higher learning as a Deemed-to-be-University;

2. And whereas, on the advice of the UGC, Dr. M.G.R. Educational and Research Institute, Chennai was declared as an 'Institution Deemed-to-be-University' for the purposes of the aforesaid Act, vide this Ministry's Notification No. F. 9-1/2002/U.3 dated the 21st January, 2003.

3. And whereas, the Institution "Deemed-to-be-University" submitted a proposal on 29.06.2007 to the Ministry of Human Resource Development for opening of a new Department-Faculty of Medicine (ACS Medical College & Hospital, Chennai) under its ambit, and, thereafter, the Ministry forwarded their proposal to UGC on 09.07.2007 for examination & recommendations.

4. And whereas, the UGC vide its communication No. 6-6/2002(CPP-1) dated 31st July, 2007 conveyed its no objection to Dr. M.G.R Educational & Research Institute, Chennai after considering the proposal of the Medical College to bring under the ambit of the Deemed University subject to the condition that final approval of inclusion under the ambit will be notified by the Government of India, on the advice of the UGC.

5. And whereas, Ministry of Health & Family Welfare conveyed the approval for establishment of new Medical College at Chennai, Tamil Nadu by the Trust with an annual intake of 150 students with prospective effect i.e. from the academic year 2008-09. Accordingly, ACS Medical College & Hospital started functioning from the academic year 2008-09.

6. And whereas, keeping in public perception regarding decrease of academic standards in certain Deemed to be Universities, Government constituted a Review Committee on 6.07.2009 to review the functioning of the existing Deemed to be Universities. The Committee, in its report, categorized the existing Deemed to be Universities into three groups and Dr. MGR Educational & Research Institute, Chennai, Deemed to be Universities is one of the 44 Category 'C' Institutions Deemed to be Universities which neither on past performance nor on their promise for the further, have the attributes, to retain their status as Universities.

7. And whereas, the UGC vide its communication No. 6-6/2002(CPP-1) dated 30th September, 2009 recommended for grant of ex-post facto approval for bringing ACS Medical College & Hospital, Chennai under the ambit of Dr. MGR Educational & Research Institute, from the academic year 2008-09. Further, the UGC vide its communication No. 6-6/2002(CPP-1) dated 1st January, 2010 again recommended to Ministry of Human Resource Development for grant of ex-post facto approval for bringing ACS Medical College & Hospital, Chennai under the ambit of Dr. MGR Educational & Research Institute, from the academic year 2008-09.

8. And whereas, on 18.01.2010, the Hon'ble Supreme Court in W.P. No. 349 of 2009 (Dr. MGR Educational & Research Institute Vs Union of India & Others) directed the Union of India to take appropriate decision within reasonable period. In pursuance of the Order dated 18.01.2010, the matter was carefully considered in the Ministry and keeping in view that Dr. MGR Educational & Research Institute was included in the list of category 'C' Deemed to be Universities found unfit to continue, and the matter was sub-judice before the Hon'ble Supreme Court, the Central Government on 15.03.2010 informed the institute that we are not in a position to process the application for inclusion of ACS Medical College & Hospital, Chennai, under ambit of Dr. MGR Educational & Research Institute.

9. And further whereas, ACS Medical College & Hospital, Chennai on 21.06.2010 filed W.P. No. 13044 of 2010 Vs. Union of India & others in the High Court of Madras challenging the communication dated 15.03.2010 of the Central Government. Thereafter, the Ministry filed a counter affidavit in July, 2010 against W.P. No. 13044 of 2010 praying the Hon'ble court of dismiss the aforesaid Writ Petition.

10. And whereas, the Hon'ble Single Bench of Madras High Court vide its Order dated 14.07.2010 directed the Union of India to pass appropriate Orders based on the recommendations made by the UGC dated 30.09.2009 and 01.01.2010 for granting approval for bringing the petitioner College within the ambit of Dr. MGR Educational & Research Institute, Deemed to be University. However, it was made clear that the order was subject to the outcome of W.P (C) No. 142 of 2006 which is pending before the Supreme Court. And thereafter, the Government passed an Order No. F. 10-9/2007-U.3A dated 31.08.2010 in exercise of powers vested under Section 3 of the UGC Act, 1956 and rejected the recommendation of UGC dated 30.09.2009.

11. And whereas, on 13.09.2010, Dr. MGR Educational & Research Institute filed a W.P. No. 20995 of 2010 (Dr. MGR Educational & Research Institute Vs Union of India & others) in the High Court of Madras challenging the Order dated 31.08.2010 issued by the Government for quashing and also requested for issuance of appropriate notification under Section 3 of the UGC Act by bringing the ACS Medical College & Hospital under the ambit of Dr. MGR with a retrospective effect from the academic year 2008-09 as the ambit of Dr. MGR with a retrospective effect from the academic year 2008-09 as recommended by UGC. It was further prayed to regularize the admission for the academic year 2008-09 and 2009-10 and grant of renewal of permission for the academic year 2010-11 without reference to the issues pending before the Hon'ble Supreme Court in W.P. No. (C) 142/2006 (Viplav Sharma Vs Union of India & others).

12. And further whereas, on 20.09.2010 the Government filed a counter affidavit in the W.P. No. 20995/2010 praying the Hon'ble Court to dismiss the aforesaid W.P. filed by Dr. MGR Educational & Research Institute, Chennai. While the W.P. No. 20995/2010 was pending before the Hon'ble High Court of Madras for a decision, Dr. MGR Institute filed a Transfer Petition No. 512 of 2011 in the Hon'ble Supreme Court of India for transferring of the said W.P. No. 20995/2010 from High Court to Madras to the Hon'ble Supreme Court to be heard along with the W.P. No 142/2006.

13. An whereas, the Hon'ble Supreme Court vide its Order dated 24.02.2012 directed the High Court of Madras to proceed with W.P. No. 20995 of 2010 and dispose it preferably within 3 months without waiting for the decision of Viplav Sharma case.

14. And whereas, in pursuance of the decision of the Hon'ble Supreme Court, the Single Bench of Madras high Court passed an order dated 09.11.2012 thereby setting aside the order dated 31.08.2010 of Central Government and directed the Government to issue appropriate Notification under Section 3 of the UGC Act, by bringing the ACS Medical College and Hospital under the ambit of Dr. MGR Educational and Research institute (DE) with retrospective effect from the academic year 2008-09 as positively recommended by the University Grants Commission. As regards the regularization of admissions made by the College for the academic year 2009-10 and grant of renewal of permission for the academic year 2010-2011, the matter was remanded to Government of India to consider afresh, keeping in mind the decision made above, and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

15. And further whereas, MHRD filed an appeal No. 256 against the Orders dated 09.11.2012 of Madras High Court and the Hon'ble Court vide its order dated 15.04.2013 has pronounced the following observations:-

".....In fine, we are of the view that the positive direction given by the learned single Judge requires modification and the issue has to be remitted to the Ministry of HRD to consider the issue of bringing the A.C.S. Medical College and Hospital, Chennai under the ambit of Dr. MGR Educational and Research Institute, Deemed to be University, and pass fresh orders after hearing the officials of the first respondent. The said exercise is directed to be completed by the Ministry of HRD, with in a period of four weeks from the date of receipt of this order. The claim of the students admitted during the academic year 2008-09 is directed to be decided by the Medical Council of India depending upon the orders to be passed by the Ministry of HRD. Insofar as the students admitted in the academic year 2009-10 are concerned, it is open to the Medical Council of India to decide their rights as it deems fit, in the circumstances of this case."

16. And whereas, Hon'ble Human Resource Minister constituted a Committee to give personal hearing to Dr. MGR Educational and Research Institute, Chennai. As per the directions of the Ministry of Human Resource Development, the Committee consisting of the following members heard the case of

Dr. M.G.R. Educational and Research Institute, Chennai on 08.05.2013 and granted personal hearing to them in Dr. Raja Ramanna Complex, DRDO, Bangalore:-

1. Prof. Ved Prakash, Chairman, UGC
2. Shri R.P.Sisodia, Joint Secretary, MHRD &
3. Prof. Sanjay Dhande, former Director, IIT, Kanpur.

17. And whereas, six representatives of the Dr. MGR Educational and Research Institute presented the case of the Institute for bringing the ACS Medical College & Hospital, Chennai under the ambit of the Deemed to be University from the academic year 2008-09 and grant of renewal of permission for subsequent years. A copy of the presentation made by them was taken on record and the presentation was followed up by questions and answers. The following salient points were observed by the committee during the course of the hearing:

- a. Dr. MGR Institute submitted proposal for bringing ACS Medical College under the ambit of Institute on 29.06.2007.
- b. The ACS Medical College has made admissions of the students for the years 2008-09 and 2009-10 in its MBBS course with the intake of 150 students in each year.
- c. Admissions for subsequent years have been made by the college.
- d. The admissions for the year 2008-09 were made after letter of permission was issued by the Ministry of Health and Family Welfare dated 4th July, 2008. This letter of permission was preceded by a No Objection Certificate issued by the UGC on 31st July 2007 and issue of Essentiality Certificate by State Government of Tamil Nadu on 11th June 2007. Further, UGC vide its letter dated 16.04.2008 informed the MCI that Dr. MGR Institute is eligible to start a Medical College as a constituent unit of the Institute.
- e. UGC constituted a Committee to inspect the ACS College. The committee conducted inspection of the medical college on 7th and 8th September, 2009 and submitted their report to the UGC and the UGC approved the same in its 463rd Commission meeting held on 25th September, 2009; that was communicated to MHRD vide UGC's letter dated 30th September, 2009.
- f. Thereafter, MHRD vide its communications dated 11.11.2009 asked the UGC to re-consider their recommendations. However, UGC in its subsequent letter endorsed its earlier recommendations vide its letter dated 1st January, 2010.
- g. Eventually, the MHRD issued a letter dated 15.03.2010 to the Chancellor of the Dr. MGR Institute that the matter cannot be considered till it is sub-judice before the Hon'ble Supreme Court in the Viplav Sharma case.
- h. There was a gap of two years and nine months in the decision to be taken by the MHRD and the UGC on the application of the MGR Institute due to reasons like administrative delay, delay in conducting the inspection, delay in communication and also on account of the code of conduct in force during the elections of 2009. These two years delay caused the institute to go ahead with admissions for the two years of 2008-09 and 2009-10.
- i. The 2008-09 batch has completed almost five years and is ripe for award of degrees. The degrees cannot be issued unless an order is issued bringing ACS Medical College under the

ambit of MGR Institute. The future of the students may be jeopardized if some decision is not taken on the issue.

18. And whereas, the Committee examined the issue in all its complexity and ramifications for the further of the students already admitted and drew the following conclusions based on its interaction with the representatives of the MGR Institute and detailed examination of the related files and also careful examination/consideration of the all the court judgments:

- The delay on part of authorities in not processing the case in time and not communicating a categorical stand on the issue has led the institute to anticipate approval of ambit proposal and consequent admission of 2008-09 batch. There was nothing on record to suggest that at any point of time during this academic year, any doubts or reservations or likely possibility of an adverse order was ever communicated to the institute. Since the first batch was admitted based on NOC of UGC, Essentiality Certificate of State government and approval of MCI, the admission of students by the College, though not strictly in accordance with law can still be viewed as a genuine expectation of further approval. Since the students have been admitted and are about to complete the MBBS course, it would be a harsh step, if they are denied the degree at this stage on technical grounds.
- However the situation is not so clear when it comes to the admission of next batch i.e. 2009-10. The institute has explained that in view of the positive recommendations of UGC to MHRD and also, the second inspection by MCI, it went ahead with admission. MCRI held up the approval for want of ambit order by MHRD. By that time, it seems admissions were already made. While the committee is not fully convinced with this argument put forth by the institute, it cannot at the same time, disregard the interests of the students who gained admission of the batch of 2009-10.
- The Committee, while appreciating the fact that student's careers should not be jeopardized, is also conscious about the MGR Institute being a Category 'C' institute. Therefore a fine balance has to be made in order to see that while interests of students are protected, it should not become an excuse for the institute or go ahead with further admission, till it gets due clearances/approvals and till the Viplav Sharma case is finally disposed of by the Hon'ble Supreme Court.
- Therefore, the Committee after due deliberations and taking into account the interest of admitted students, recommended:

a. That the ACS Medical College & Hospital, Chennai may be brought under the ambit of the Dr. MGR Educational and Research Institute, Deemed to be University for 2008-09 as Dr. MGR Educational and Research Institute had obtained all necessary permissions from MCI, Ministry of Health & Family Welfare and NOC and subsequent recommendations from UGC.

b. That, for the year 2009-10 the ACS Medical College & Hospital may be brought under the ambit of the Deemed to be University subject to getting necessary clearances from all concerned including MCI and Ministry of Health & Family Welfare.

c. That, since this happens to be a unique case in which specific judgment is pronounced by the Hon'ble High Court, MHRD may issue an order bringing the ACS Medical College under the ambit of MGR Institute for the limited and specific purpose of enabling students admitted during 2008-09 and 2009-10, to graduate and obtain requisite degrees.

19. And whereas, in exercise of the powers conferred by Section 3 of the UGC Act, 1956 the Central Government, on the advice of Committee and in the interest of students already admitted by the ACS Medical College & Hospital, Chennai for 2008-09 and 2009-10, declared that ACS Medical College & Hospital, Chennai shall be a constituent unit under the ambit of Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai, as an off-campus centre with effect from 1.4.2008, for the purposes of the aforesaid Act for conduct of academic course/programme and the conditions attached thereto, for two academic years 2008-09 & 2009-10 only subject to usual terms and conditions as prescribed by the UGC from time to time.

20. And whereas, these orders were further subject to the outcome of the Viplav Sharma case W.P. (C) No. 142 of 2006 pending in the Supreme Court and compliance of MCI Regulations and conditions as applicable.

21. And further whereas, a representation was received from the MGR Educational & Research Institute, Chennai to delete the words "**2008-2009 and 2009-2010 only**" from the Notification dated 23.05.13. In the representation, Dr. MGR Educational & Research Institute, Chennai has raised the following points for consideration.

- (i) The Ministry of HRD issued ambit Notification dated 23.05.2013 for two batches (2008-09 & 2009-10 only). The bringing of an Institution as a constituent unit is a one-time offer and there is no provision in law to confine the same for two batches only.
- (ii) The restriction of the ambit order for two years has resulted in the Medical College being not able to admit student and in spite of having a huge infrastructure and all the Medical and Para Medical staffs involving huge financial implications annually is not in a position to admit student.
- (iii) Without admitting students, it is very difficult to retain teaching faculty.
- (iv) The only reason given by MHRD in its order dated 23.05.2013 for further admissions is the pendency of Viplav Sharma Case. Hon'ble Supreme Court has de-tagged our issue from Viplav Sharma case vide orders dated 19.08.2014.
- (v) The institution has already lost four years in admission having not admitted any student for the year 2010-11, 2011-12, 2012-13 and 2013-14 for want of ambit order.
- (vi) MCI conducted recognition inspection in August, 2013 for recognising the degree of MBBS awarded by the Deemed to be University to the first batch of students of 2008-09 and found no deficiency.

b. That, for the year 2009-10 the ACS Medical College & Hospital may be brought under the ambit of the Deemed to be University subject to getting necessary clearances from all concerned including MCI and Ministry of Health & Family Welfare.

c. That, since this happens to be a unique case in which specific judgment is pronounced by the Hon'ble High Court, MHRD may issue an order bringing the ACS Medical College under the ambit of MGR Institute for the limited and specific purpose of enabling students admitted during 2008-09 and 2009-10, to graduate and obtain requisite degrees.

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- (vi) MCI conducted recognition inspection in August, 2013 for recognising the degree of MBBS awarded by the Deemed to be University to the first batch of students of 2008-09 and found no deficiency.

26. These orders are further subject to the outcome of the Viplav Sharma case in W.P. (C) No. 142 of 2006 pending in the Supreme Court of India. If the Hon'ble Supreme Court orders de-notification of the Dr. MGR Educational & Research Institute, Chennai, it shall equally apply to the ACS Medical College & Hospital.

27. Further, it shall not be construed that this order confers any right to the Deemed University since it is placed in Category 'C'.

28. Further, this order shall be subject to requisite clearance and compliance of MCI Regulations and conditions as are applicable.

29. The declaration as made in Para 25 above is further subject to fulfillment of the conditions mentioned at Sr. No. 4 of the endorsement to this Notification;

26. Neither the Government of India nor the UGC shall provide any Plan or Non-Plan grant-in-aid to Dr. MGR Educational & Research Institute, Chennai, or any of its constituent teaching unit.

(R. P. Sisodia)

Joint Secretary to the Government of India

The Manager,
Government of India Press,
Faridabad – 121001,
Haryana.

Copy forwarded to:-

1. The Secretary, University Grants Commission, Bahardurshah Zafar Marg, New Delhi – 110002. UGC shall take appropriate action to conduct necessary reviews with help of an Expert Committee in accordance with the procedure prescribed by it for the purpose of such 'reviews'.
2. The Under Secretary, (ME-P.II), Ministry of Health & Family Welfare (Department of Health), Nirman Bhawan, New Delhi – 110011.
3. The Secretary, Medical Council of India(MCRI), Pocket-14, Sector-8, Dwarka, Phase-I, New Delhi - 110075
4. The Vice-Chancellor, Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai. The declaration as made in a Para 25 of this notification shall be further subject to compliance with/fulfillment of the following conditions:-

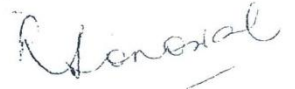
- i. All the earlier conditions that were stipulated in the Ministry's notification bearing No. F. 9-1/2002-U.3 dated the 21.01.2003 that govern the status of 'deemed to be university' conferred on Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai shall continue to be in force, and shall be complied with.
- ii. The management as well as all the movable and immovable assets/properties of ACS Medical College and Hospital, Chennai shall legally vest with Dr. MGR Educational and Research Institute Trust, Chennai and Registered as such in the interest of future of students, members of faculty, employees and for maintaining the standards of higher education.
- iii. Dr. MGR Educational and Research Institute, Chennai shall maintain separate and distinct financial accounts in respect of its functioning as an 'Institution Deemed to be University. There shall be no diversion of assets or funds/revenues of the Institution Deemed to be University/or of its constituent teaching units, without prior permission of the UGC.
- iv. Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai shall not engage or indulge in any activities that are of commercial and profit making in nature.
- v. Dr. MGR Educational and Research Institute, Chennai shall continue to maintain the corpus fund as per the norms of the UGC. The corpus fund shall be irrevocable in nature and the bank deposits maintained for this purpose shall not be liquidated or closed without prior consent of the UGC.
- vi. As and when necessary, Dr. MGR Educational and Research Institute. Institution Deemed to be University, Chennai shall update or revise or modify its memorandum of Association (MoA) / Rules with the approval of the UGC. Further, specific changes/amendments, if any, suggested by the Government of India or UGC shall also be carried out in the Moa/Rules with the approval of the UGC.
- vii. The MoA/Rules, Regulations, Bye-laws of Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai shall clearly specify/reflect the names of all its constituent units as are approved by the Central Government.
- viii. The academic programmes being offered or to be offered at Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai shall conform to the norms and standards prescribed by the UGC and the Statutory Councils concerned.
- ix. All the prescribed norms and procedures of the Statutory councils concerned in the matter of admission of students, intake capacity of students, renewal of approval to the academic course / programme, revision of intake capacity of students, starting of the new courses / programmes, etc. shall continue to be in force, and shall be adhered to by Dr. MGR Educational and Research Institute, Chennai and all its constituent units.
- x. Dr. MGR Educational and Research Institute, Chennai shall take appropriate steps to commence research programmes as well as doctoral and innovative academic programmes at all its constituent units.
- xi. Dr. MGR Educational and Research Institute, Chennai shall not offer/award as the case may be, any degrees that are not specified by the UGC. It shall also ensure that the

nomenclatures of the degrees, etc. to be awarded by it are specified by the UGC under Section 22 of the UGC Act, 1956.

- xii. Dr. MGR Educational and Research Institute, Institution Deemed to be University, Chennai shall follow the fee structure as per the Rules and Regulations of the UGC.
- xiii. Dr. MGR Educational and Research Institute, Chennai shall take all the required steps to get all the eligible academic courses/programmes of its constituent units rates for valid accreditation by the National Assessment and Accreditation Council (NAAC), as the case may be in terms of the relevant norms of the UGC.
- xiv. No distance educational programmes shall be started at any of the constituent teaching units of the Dr. MGR Educational and Research Institute, Chennai without prior approval of the UGC and the Distance Education Council (DEC). The guidelines issued by both the DEC and the UGC from time to time in the matter of invading education through distance mode shall be complied with by it.
- xv. Dr. MGR Educational and Research Institute, Chennai shall not establish and run any study centre/extension centre/off-campus centre/off shore campus without obtaining the requisite prior approval of the UGC/DEC/Government of India, as the case may be. It shall open new Departments/Faculties or start new courses or include/bring other teaching institutions /Colleges, as the case may be, under its ambit/management, only as per the norms and guidelines prescribed/issued, from time to time by the UGC/Government of India.
- xvi. Dr. MGR Educational and Research Institute, Chennai shall abide by the undertaking that have been submitted by them to the UGC.
- xvii. All the norms and guidelines as laid down by the UGC and other relevant Statutory Council concerned from time to time, as are applicable to institutions notified as 'Deemed to be Universities' shall be adhered to by the Dr. MGR Educational and Research Institute, Chennai and all its constituent units.
- xviii. Dr. MGR Educational and Research Institute, Chennai shall not create an impression in the mind of the general public that it has been 'established' under a Central Act, In order to ensure this, it shall in all its advertisements, public notices, communications, etc. distinctly mention under its nomenclature by inserting, within parenthesis; 'Declared as Deemed to be University under Section 3 of the UGC Act, 1956'.

5. The Principal Secretary, Higher Education Department, Government of Tamil Nadu, Secretariat, Fort St. George, Chennai – 600009.
6. The Principal Secretary, Health and Family Welfare Department, Government of Tamil Nadu, Secretariat, Chennai – 600009.
7. The Principal, ACS Medical College & Hospital, Chennai – 600009.
8. Press Information Bureau, Shastri Bhawan, New Delhi-110115.
9. The Secretary-General, Association of Indian Universities, AIU House, 16, Kotla Marg, New Delhi-110002.

10. Joint Director (Administration) & Web Master, Department of Higher Education, Shastri Bhawan, New Delhi with the request to issue necessary instructions to the CMIS Unit to display this Notification on the website of Department of Higher Education.
11. File No.F.10-9/2007-U3(A).
12. Guard file / Notification file.



(Rina Sonowal Kouli)
Director (ICR)