

GOVT. OF BIHAR
BIHAR COMBINED ENTRANCE COMPETITIVE EXAMINATION BOARD
I.A.S. Association Building, Near Patna Airport, Patna-14.

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POST GRADUATE MEDICAL ADMISSION COUNSELLING (PGMAC)-2023
for MD / MS / PGD / DNB (Degree & Diploma) in Govt./ Private Medical Colleges of Bihar

Advt. No.- BCECEB(PGMAC)-2023/20 Dated : 15.11.2023

bceceboard.bihar.gov.in

Notice for PGMAC-2023 Special Stray Vacancy Round Online Counselling

In the light of MCC Notice Ref. F.No. U-12021/2023-MEC dated 14.11.2023 for conduction of Special Stray Vacancy Round of PG Counselling - 2023 for AIQ and State Quota seats of MD/MS/MDS/DNB Course, Fresh Online Registration and submission of Application form are invited from such qualified, eligible & interested NEET(PG)-2023 candidates for appearing in the Special Stray Vacancy Round Online Counselling of Post Graduate Medical Admission Counselling (PGMAC)-2023, who are not admitted in any Medical Colleges of India and do not come under the conditions of para 3 below on the vacant seats of Government/ Private Medical Colleges of Bihar.

2. Special Stray Vacancy Round Counselling will be conducted Online.
3. The candidates who fall under below mentioned conditions are not eligible to participate in Special Stray Vacancy Round Counselling of PGMAC-2023 based on NEET(PG)-2023 :
 - (a) Admitted through PGMAC-2023 Round 1 / Round 2 Counselling.
 - (b) Admitted through AIQ on the basis of NEET(PG)-2023 Round 1 / Round 2 / Round-3 Counselling.
 - (c) Admitted through NEET(PG)-2023 Round 1 / Round 2 / Round-3 / Stray Vacancy Round / Special Stray Vacancy Round Counselling conducted by Other States.
 - (d) Allotted through AIQ on the basis of NEET(PG)-2023 Stray Vacancy Round / Special Stray Vacancy Round Counselling.
 - (e) Allotted through PGMAC-2023 Round-3 / Stray Vacancy Round Counselling.If any candidate duly submits fresh Online Application form by providing wrong information, his / her Security Deposit amount paid for participating in Special Stray Vacancy Round Counselling will be forfeited and he/ she will become not eligible for Special Stray Vacancy Round Counselling as Data will be scrutinized before preparation / publication of Merit List.
4. Such candidates who have duly submitted online application form against Adv. No. BCECEB(PGMAC)-2023/01, 2023/02 Dated 30.07.2023 , 2023/11 Dated 24.09.2023 and 2023/17 & 2023/18 Dated 15.10.2023 and do not fall under above mentioned para, their paid Security Deposit Amount will be refunded back to their Bank Account through which they have deposited. In this regard refund process has been started. **But for participating in Special Stray Vacancy Round they have to do fresh Registration and submit Application Form by depositing counselling fee and Security Deposit afresh.**
5. The candidates who will be allotted in Special Stray Vacancy Round will be treated as admitted. If candidate does not take admission on allotted seat of Special Stray Vacancy Round, their Security Deposit Amount will be forfeited and the allotted data will be shared with MCC as per MCC updated rules.
6. The eligible candidates who will do fresh registration-cum-choice filling for Special Stray Vacancy Round Counselling of PGMAC-2023 from 23.11.2023 (10.00 a.m.) to 25.11.2023 (11.59 p.m.) and if gets allotted in Special Stray Vacancy Round Counselling of AIQ, then in such case the allotted candidates in special stray vacancy round counselling of AIQ will be debarred from the eligible list of PGMAC-2023 Special Stray Vacancy Round Counselling before seat allotment process and their paid Security Deposit amount for special stray vacancy round counselling will be refunded back to their Bank Account through the same mode which they have deposited, after the end of Counselling process.
7. As per Notice of MCC Ref. U-12021/02/2023-MEC dated 15.11.2023, candidates claiming to be NRI for admission on NRI seat in Pvt. Medical Colleges of Bihar under Special Stray Vacancy round Counselling, will have to send the scan copy of NRI related all documents as attachment in .pdf file format to the email ID : bceceboardhelpdesk@gmail.com with their full details like New PGMAC ID, NEET Roll No. and Name upto 20.11.2023 (11.59 p.m.) else inspite of having NRI quota as "Yes", they will not be given the benefit of NRI and the seat will not be allotted on NRI and will be treated as UR. The certificates related to NRI sent through multiple emails will not be acceptable, so it is advised to send single mail on the above said email ID.

The documents related to NRI must be as per the direction / orders of Hon'ble Supreme Court of India in the case (W.P. (C) No.689/2017- Consortium of Deemed universities in Karnataka (CODEUNIK) & Anr. Vs. Union of India & Ors.) dated 22.08.2017 (Copy uploaded on BCECE Board website).

8. **Eligibility criteria and instructions and other details are available in the Updated Prospectus of PGMAC-2023 which can be downloaded from the Board's website bceceboard.bihar.gov.in.**
9. The final Seat matrix will be uploaded on the Board's website on **15.11.2023**.
10. **The Prospectus for appearing in PGMAC-2023 can be downloaded Online from the BCECE Board's website:** bceceboard.bihar.gov.in by clicking on the link "PGMAC-2023" under Prospectus Section. For filling online Application Form click on "**Online Application portal of PGMAC-2023**" and then click on "**Apply Online**" button and follow the instructions as given below;
- I. **Step-One - Registration :** For registering, the candidates are required to fill the information asked in Step-One of the application form, appearing on the computer screen. Candidate must enter their NEET-PG 2023 Roll No. and then click on verify button and then enter their Date of Birth and click OK to verify their details. If data gets verified then an OTP will be sent to their registered mobile no. and email ID. After verifying OTP, proceed for further process. Candidate's all informations concerning registration will be sent on their registered email ID and Mobile No. given in NEET-PG 2023 online application form. After successful Registration, candidate will receive a message of successful registration on their registered mobile no. and email. After that, candidate will have to login to their account by entering their NEET-PG-2023 Application no. and Password and will process the further activities to duly submit their online application form. The candidate must keep the password entered in Application Form confidential, otherwise BCECE Board will not be responsible for any changes in their data or any other complication etc. The NEET-PG-2023 Application No. provided to the candidate by NBE will be his "user name".
- II. **Step-two - (Personal Information) :** After successful registration and activating the account, the candidate should again "Sign in" to his account and thereafter complete the required entries regarding personal information on the computer screen. Then click on "Save & Continue" button.
- III. **Step-Three - (Upload Photo and Signature) :** After entering the personal information, the candidate should upload his / her passport size photograph as uploaded in NEET-PG 2023 online application form and full signature in Hindi and English (Not in capital letter) after duly scanning the same. After uploading photo and signature click on "Save & Continue" button.
- IV. **Step-Four - (Educational Information) :** After uploading the scanned photo and signature the candidate should enter his / her educational information on the computer screen and click on "Save & Continue" button.
- V. **Step-Five - (Remote Experience) :** After entering educational informations the candidate will have to enter the details regarding work experience as Medical Officer in remote / difficult area as well as to upload their work experience certificate issued by authorised concerned authority, if candidate claimed reservation for Medical Officer employed in remote / difficult area. For detail please see para-5.4 of the Prospectus of the PGMAC-2023.
- VI. **Step - Six - (Preview your application) :** After entering educational information / remote experience the candidate must verify all the information given by him / her while verifying given information in step-2, step-3, step-4 and step-5. If any information is found wrong, then the candidate should click "Back to Edit" button and make required corrections. Thereafter the candidate should click "Save & Continue" button so that entered information should be updated.
If preview of application form is found to be correct, then the candidate give his / her Declaration and click the "Proceed to Payment" button so that he / she should pay Counselling Fee and Security Deposit as per Step-Seven.
- VII. **Step-Seven (Payment of Counselling Fee and Security Deposit) :** After previewing the Application Form for submitting the same, candidate should click "Proceed to Payment" button and complete the payment procedure for counselling fee and security deposit according to instruction appeared on the computer screen. Counselling fee is not refundable.
- (a) Candidate has to pay Rs. 2200/- (Two Thousand Two Hundred Only) for all category as non refundable counselling/ registration fee through online mode only e.g. by Credit card/Debit Card/ Net Banking / UPI.
- (b) The details of payment of security deposit for Govt. / Pvt. Medical Colleges will be as follows ;
- | Sr. No. | Institution/College Type | UR/EWS Category | SC/ ST/ EBC/ BC Category |
|---------|--------------------------|-----------------|--------------------------|
| 1. | Government | Rs. 25000/- | Rs. 12,500/- |
| 2. | Private | Rs. 2,00,000/- | Rs. 2,00,000/- |
| 3. | Both | Rs. 2,00,000/- | Rs. 2,00,000/- |
- As per above table, the candidate has to pay the refundable security deposit, if applicable, through online mode only e.g. by Credit card/Debit Card/ Net Banking / UPI at the time of registration and submission of the application form. The candidate has also to pay processing charge in addition to Counselling / Registration Fee and Security Deposit for payment through online mode.
- VIII. **Step - Eight (Downloading of Part- A & Part-B) :** After payment of Counselling/Registration Fee and Security Deposit upto scheduled date and time, the candidate must download Hard Copy (Part-A & and Part-B) of online submitted Application Form and keep the same safely in his possession because it contains all informations provided by the candidate and the PGMAC-ID made available by the Board for further use during counselling.
- Note :** a. Hard copy of PART-A & PART-B need not to be send to Board's office, but instead this is to be made available at the time of counselling.
- b. After completion of submission of the online application form, there is no provision for any change or modification in the same.
- c. **The candidate must note that after submission of online application form, neither it can be withdrawn nor any request for refund / chargeback of paid counselling fee will be entertained.**
- d. Board will not be responsible for any interruption in Internet / Banking system. Therefore the candidates must not wait for last date and complete all procedure before due date.
- e. If any candidate does the payment of Counselling Fee / Security Deposit, but due to any technical issue the payment does not reflect and the amount got deducted from their bank account, then in this case candidates are advised not to wait for payment updation instead do re-payment of counselling Fee/ Security Deposit else your application form

will not be accepted. Their failure transaction amount will automatically be returned back to their account within 7-8 banking working days.

- f. Final Merit list will be prepared after scrutinising the candidate's submitted data from the data provided by National Board of Examination/ Health Deptt., Govt. of Bihar.
 - g. The Rank Card / Merit List will be published on the Board's Website on **22.11.2023 (8.00 PM)**.
 - h. No other chance will be given to any candidate for Registration and submission of online application after due date for online submission of application.
11. DQ candidates must note that they have to submit DQ certificate issued by only authorised Centres / Institutes on prescribed proforma as per para-7B (Annexure-1A, 1B, 1C) of the prospectus of PGMAC-2023 at the time of counselling / document verification. For this, after filling and downloading the hard copy of online application form, candidates must consult any concerned authorised Medical College / Centre / Institute with the downloaded online application form for disability test for obtaining disability certificate.
Certificate issued from any other Institutes / Centres except above **will not be entertained**, for which the candidate will himself be responsible.
12. **Important dates for Special Stray Vacancy Round Counselling of PGMAC-2023 :**
- i. Uploading of final Seat Matrix : 15.11.2023 (11.00 AM)
 - ii. Online Registration starting date : 17.11.2023
 - iii. Online Registration closing date : 20.11.2023 (10.00 PM)
 - iv. Last date of payment through Net Banking/ Debit Card/ Credit Card/ UPI with final submission of the online Application Form of Registered candidate : 20.11.2023 (11.59 PM)
 - v. Publication of Merit list / Rank Card : 22.11.2023 (8.00 PM)
 - vi. Date of online registration-cum-choice filling for seat allotment and locking ... : 23.11.2023 (10.00 AM) to 25.11.2023 (11.59 PM)
 - vii. Provisional seat allotment order publication : 27.11.2023
 - viii. Downloading of Provisional Allotment Order : 27.11.2023 to 29.11.2023
 - ix. Document Verification /Admission : 28.11.2023 to 29.11.2023
13. Course wise / College wise Fee structure of Private Medical Colleges are already available on Board's website: bceceboard.bihar.gov.in and colleges website.
Candidates are advised to confirm the Fee structure / any other additional Fee for the Pvt. Colleges before filling up online Application Form. BCECE Board takes no responsibility of the fee structure of the colleges and will not entertain any complaint regarding Fee structure.
14. BCECE Board / Controller of examination reserves the right to amend / rectify any of the conditions of prospectus of PGMAC-2023.

Controller of Examination

1. I, _____, S/D of _____, Roll No: _____, Application No: _____ am applying for conversion of Category from Indian to NRI for the NEET-PG Counselling, 2023.
2. I have cleared NEET-PG Examination, 2023 and I am eligible for the Counselling.
3. I am well aware of the fact that once my category is converted from Indian to NRI in any of the Rounds of Counselling for NEET-PG, 2023, I will be treated as NRI for the remaining rounds as well.
4. Also, I know that if my category is converted from Indian to NRI, I will not be able to avail the benefit under Muslim Minority quota/Jain Minority Quota/ SC/ ST/ OBC/ EWS or any other Quota.
5. I am enclosing herewith the list of documents through e-mail:- (in the given order)
 - i. Documents claiming that the sponsorer is an NRI (Passport, Visa of the sponsorer).
 - ii. Relationship of NRI with the candidate as per the court orders of The Hon'ble Supreme Court of India in case W.P.(c) No. 689/2017-Consortium of Deemed Universities in Karnataka (CODEUNIK) & Ans. Vs Union of India & Ors. dated 22-08- 2017.
 - iii. Affidavit from the sponsorer that he/ she will sponsor the entire course fee of the candidate duly notarized.
 - iv. *Embassy Certificate of the Sponsorer (Certificate from the Consulate issued within last 06 months).
 - v. NEET Score Card of the candidate.
 - vi. Family Tree notarized by Tehsildar.

* The conversion of Nationality of candidates from 'Indian' to 'NRI' is 'Provisional' based on the documents submitted by the candidates which will be verified by the allotted college authorities at the time of reporting and the Embassy Certificate from the sponsorer may be sent to the Ministry of External Affairs/ respective High Commissions for verification. If found 'FAKE' the Provisional Allotment of candidate may be cancelled and legal action might be initiated by the competent authority.

I solemnly state that the information furnished herein above is true to best of my knowledge and belief. If, any of the information furnished by me is found to be untrue/false/wrong, my candidature will be cancelled by the Competent Authority at any of the stages before/after/during of the NEET-PG Counselling, 2023 and I will not claim any right over the cancelled seat.

Date:

Name:

Place:

Signature:

ITEM NO.8

COURT NO.2

SECTION

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.689/2017

CONSORTIUM OF DEEMED UNIVERSITIES IN
KARNATAKA (CODEUNIK) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 22-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Dr. Rajeev Dhawan, Sr. Adv.
Ms. Farah Fathima, Adv.
Mr. Mahesh Thakur, AOR

For Respondent(s) Mr. P.S. Narasimha, ASG
Ms. Arunima Dwivedi, Adv.

Mr. Gaurav Sharma, Adv.
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Ms. Deepeika Kalia, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Dr. Rajeev Dhawan, learned senior counsel
along with Ms. Farah Fathima, learned counsel for the
petitioners, Mr. P.S. Narasimha, learned Additional Solicitor
General for the Union of India and Mr. Gaurav Sharma, learned
counsel for the Medical Council of India.

Signature Not Verified
Digitally signed by
CHETAN KUMAR
Date: 2017.08.22
17:19:54 IST
Reason: —

The matter was listed today for consideration of the filling up of NRI quota seats. Dr. Rajeev Dhawan, learned senior counsel appearing for the petitioners has drawn our attention to the letter circulars dated 13th July, 2017 and 28th July, 2017, issued by the Directorate General of Health Services. According to him, the said communications create an anomalous situation as a consequence of which the description of NRI has become extremely difficult. He has drawn our attention to a passage from P.A. Inamdar vs. State of Maharashtra (2005) 6 SCC 537, wherein the Constitution Bench has held thus:-

"Here itself we are inclined to deal with the question as to seats allocated for Non-Resident Indians ('NRI', for short) or NRI seats. It is common knowledge that some of the institutions grant admissions to a certain number of students under such quota by charging a higher amount of fee. In fact, the term 'NRI' in relation to admissions is a misnomer. By and large, we have noticed in cases after cases coming to this Court, neither the students who get admissions under this category nor their parents are NRIs. In effect and reality, under this category, less meritorious students, but who can afford to bring more money, get admission. During the course of hearing, it was pointed out that a limited number of such seats should be made available as the money brought by such students admitted against NRI quota enables the educational institutions to strengthen their level of education and also to enlarge their education activities. It was also pointed out that people of Indian origin, who have migrated to other countries, have a desire to bring back their children to their own country as they not only get education but also get reunited with Indian cultural ethos by virtue of being here. They also wish the money which they would be spending elsewhere on education of their children should rather reach their own motherland. A limited reservation of such seats, not exceeding 15%, in our opinion, may be made available to NRIs depending on the discretion of the management subject to two conditions. First, such seats should be

utilized bona fide by the NRIs only and for their children or wards. Secondly, within this quota, the merit should not be given a complete go-by. The amount of money, in whatever form collected from such NRIs, should be utilized for benefiting students such as from economically weaker sections of the society, whom, on well defined criteria, the educational institution may admit on subsidized payment of their fee. To prevent misutilisation of such quota or any malpractice referable to NRI quota seats, suitable legislation or regulation needs to be framed. So long as the State does not do it, it will be for the Committees constituted pursuant to the direction in Islamic Academy to regulate."

Submission of learned senior counsel is that the word "wards" used in the said paragraph should be understood in a broader compass and be applied in a wider spectrum. He has also drawn our attention to the decision rendered in Ruchin Bharat Patel vs. Parents' Association for the M/D Students and Others in I.A. Nos.9-10 & 11-12 in Civil Appeal No.4480 of 2006, wherein this Court after referring to various aspects, has held thus:-

"Normally, the admissions to the medical colleges should have been finally concluded before 30th September. This year's admission is long overdue and if this 15% of the students are not allowed to be admitted under NRI quota there may be financial loss to these college and the seats shall also go waste. In view of the peculiar circumstances of the case, for this year we are taking a practical view of the situation and we feel that the students to these colleges may be admitted under the following directions and we make it clear that this is exclusively for this year only as a one time arrangement because of the peculiar circumstances of the case:-

"1) The students be admitted as NRIs in NRI quota as against 15%: At least one of the parents of such students should be an NRI and shall ordinarily be residing abroad as an NRI;

2) The person who sponsors the student for admission should be a first degree relation of the student and should be ordinarily residing abroad as an NRI;

3) If the student has no parents or near relatives or taken as a ward by some other nearest relative such students also may be considered for admission provided the guardian has *bona fide* treated the student as a ward and such guardian shall file an affidavit indicating the interest shown in the affairs of the student and also his relationship with the student and such person also should be an NRI, and ordinarily residing abroad."

Even if these parameters are applied and sufficient number of students are not available for this year as against admission to 15% quota, the colleges would be at liberty to fill up the remaining seats from the State list and if the number of candidates admitted as against 15% quota is very much less and the colleges are unable to raise sufficient funds, they would be at liberty to approach the Committee to restructure the fees."

In this regard our attention has been invited to a Division Bench decision of the High Court of Madhya Pradesh rendered in Anshul Tomar vs. State of M.P. and Others (2008) 2 MPLJ 450, wherein the High Court after referring to the authority in Ruchin Bharat Patel (*supra*) has referred to a set of guidelines drafted by Pravesh Niyantaran Samiti (Medical Education), Mumbai. The said guidelines read as follows:-

"Based upon the decision of Hon'ble Supreme Court referred herein above dated 13th November, 2006 has laid down a criteria for admission in NRI quota, the Samiti decides and resolves the criteria for granting the admissions in NRI quota, as under :

1) If the mother or father of student is NRI and residing abroad ordinarily, then, either of the situations so held will be

considered to be proper.

- 2) If the first degree relation of the student is NRI and residing abroad ordinarily, then in such circumstances also, qua this year, should be considered eligible. It is natural that such definition would include the real brother and sister over and above the mother-father of the first degree relation.
- 3) As per the definition revised by the Hon'ble Apex Court, interpretation of clause 3 thereof as not made limited but if made in a broad perspective, then, it is clear that the person who wanted to consider such student as ward (Palya), then, he be considered to be proper subject to compliance of the following conditions :
 - a) He should be the nearest relation.
 - b) In the definition of the nearest relation, committee has considered following relative having blood relations.
 - i) Real brother and sister of father i.e. real uncle and real aunt.
 - ii) Real brother and sister of mother i.e. real maternal uncle and maternal aunt.
 - iii) Father and mother of father i.e. grand father and grand mother.
 - iv) Father and mother of mother i.e. maternal grand father and maternal grand mother.
 - v) First degree-paternal and maternal cousins.
 - vi) Such person should be NRI.
 - c) Such persons should ordinarily be residing abroad.
 - d) Such person should have looked after such student as the guardian of the student and evidence to that effect

must have been produced before the committee by such person.

- e) There should be affidavit with aforesaid fact.

The Samiti directs the AMUPMDC and the Institute/Colleges to follow the above guidelines strictly while granting the admissions in NRI quota in respect of the First Year Health Science course for the academic year 2007-2008 and onwards."

After reproducing the said guidelines, the Division Bench of the High Court of Madhya Pradesh has held as under:-

"In view of the aforesaid, we are inclined to think that the term 'ward' has been given a broader meaning in *Ruchin Bharat Patel* (supra). We have reproduced the guidelines of Mumbai Committee to show that they are in consonance with the guidelines set forth by *Ruchin Bharat Patel* (Supra). Nothing has been placed on record to show that NRIs have acted in a mala fide manner.

Regard being had to the amplified meaning of the term 'ward' and in the absence of any mala fide and further on the foundation that the merit has not been completely given a go-bye, we are inclined to quash the decision of the Committee and hold that the admission of the petitioners under the NRI quota are valid and the petitioners are entitled to prosecute their studies under the said College."

On being asked, Mr. P.S. Narasimha, learned Additional Solicitor General has submitted that this Court may think of making any kind of interim arrangement subject to final adjudication of the controversy so that the same does not arise in future.

As presently advised, the principles set out in *Anshul Tomar* (supra), shall be followed this year for the purpose of filling up of 15% NRI quota. Be it clarified, the

NRI quota shall include Overseas Citizens of India (OCI) and Persons of Indian Origin (PIO). The counseling shall be held and finalised by 31st August, 2017, in respect of this quota and, if for some reason or other, the counseling is not concluded by that date, the same shall be completed by 4th September, 2017. It needs no special emphasis to state that the present order is only applicable to the deemed universities and no other category of institution.

Let the matter be set out for final disposal on 23rd November, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar