

\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4934/2016 & C.M.Nos.20533-20535/2016

ABHAY PRATAP SINGH

..... Petitioner

Through Mr.Rohit Rathi, Advocate.

versus

MEDICAL COUNCIL OF INDIA & ANR

..... Respondents

Through Mr.T.Singhdev with Ms.Puja Sarkar,
Advocates for R-1/MCI.

Mr.Suresh C.Sati with Mr.Pradeep
C.Sati, Advocates for R-2.

Mr.Sanjeev Narula, CGSC with
Mr.Ajay Kalra, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

27.05.2016

Present writ petition has been filed challenging the letter dated 3rd July, 2003 whereby the petitioner's provisional registration was cancelled. Petitioner further seeks a direction to respondent-MCI to decide his representation dated 6th April, 2015.

It is pertinent to mention that in 2001 petitioner was granted provisional registration for one year which was cancelled on 12th April, 2002 as MCI was of the view that petitioner's 12th class mark sheet was forged. On 14th May, 2002, MCI granted another provisional registration certificate to the petitioner for a period of 12 months in view of the judgment of the Supreme Court in *Medical Council of India vs. Indian Doctors from Russia Welfare Associations & Ors.*,

(2002) 3 SCC 696. However, realising their mistake, MCI cancelled petitioner's registration once again on 3rd July, 2003.

The first information report being FIR No. 151/2002 is pending adjudication before the Metropolitan Magistrate, Tis Hazari Courts under Section 420/468/471 IPC against the petitioner. Petitioner's petition seeking quashing of said FIR as well as charge-sheet was dismissed by a Coordinate Bench of this Court and even an SLP filed against the said order has been dismissed.

On 6th April, 2015, the petitioner filed a detailed representation/communication with respondent-MCI seeking reconsideration of the order dated 3rd July, 2003. Thereafter on 29th July, 2015 and 8th February, 2016 petitioner furnished further representations/reminders. It is the case of the petitioner that none of the aforesaid representations have been decided by the respondent till date.

Mr.T.Singhdev, Advocate, who appears on advance notice for MCI, states that Medical Council of India has now taken a policy decision not to grant or renew any provisional or permanent registration certificate to India/foreign graduates.

In the opinion of this Court since the order dated 3rd July, 2003 cancelling the petitioner's registration was not challenged within a reasonable period of time, the petitioner cannot today ask this Court to issue a direction to the respondent-MCI to decide his representations filed in the years 2015 and 2016.

This Court is of the view that the petitioner by filing fresh representations in 2015 and 2016 cannot challenge de-registration order dated 3rd July, 2003, as it has attained finality.

Consequently, the present writ petition being bereft of merits is dismissed.

MANMOHAN, J

MAY 27, 2016
KA