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

+ **W.P.(C) 4811/2016 & C.M.No.20083/2016**

VED PRAKASH THAKUR

..... Petitioner

Through Mr.Sindhu Sinha, Advocate.

versus

DELHI MEDICAL COUNCIL

..... Respondent

Through Mr.Praveen Khattar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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24.05.2016

Present writ petition has been filed challenging the validity of the letter dated 7th March, 2016 whereby the respondent has refused to grant registration to the petitioner as he has done his MBBS from Russia and was not permanently registered with the Medical Council of India before 15th March, 2002. Further, the petitioner by the impugned letter was directed to take the Screening Test before registration with the respondent.

Learned counsel for the petitioner states that the respondent has misread the Supreme Court order dated 8th March, 2002 whereby any person who even had provisional registration prior to 15th March, 2002 was exempt from taking the Screening Test. He further submits that a Division Bench of this Court vide judgment in LPA No.443/2010 has allowed a candidate who did his MBBS abroad to practice Medicine after doing internship training for two years, even though he did not have a provisional registration certificate.

Upon a perusal of the paper book, this Court finds that the petitioner's provisional certificate had lapsed/expired on October-November, 2001 and the petitioner's application for extension of the provisional registration certificate was rejected in December, 2001. Thereafter, the petitioner neither applied for permanent registration nor challenged the order declining the provisional registration.

This Court, therefore, is of the view that by re-applying afresh for permanent registration in the year 2014, the petitioner cannot seek extension of limitation. The present writ petition is clearly barred by laches as the cause of action for filing the present writ petition arose, if any, in December, 2001 when the respondent had refused to extend the petitioner's provisional registration which had lapsed.

This Court also finds that the Division Bench in LPA No.443/2010 has not dealt with the issue of laches. Consequently, the said judgment cannot be treated as a precedent on this case.

In any event, due to lapse of such a long period of time, the petitioner would need to brush up his skills and the best way to determine whether the petitioner is qualified to practice Medicine after such a long lapse of time is if he appears in a Screening Test to be conducted by the National Board of Examination.

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

MANMOHAN, J

MAY 24, 2016
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