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

+ **W.P.(C) 7287/2016**

SHAILENDRA KUMAR JAIN

..... Petitioner

Through **Mr. K.G. Sharma, Advocate.**

versus

DELHI MEDICAL COUNCIL & ORS.

..... Respondent

Through **Mr. Praveen Khattar, Advocate for
respondent No.1 with Mr. L.D.S.
Uppal, Asstt. Secretary, DMC.
Mr. T. Singhdev with Ms. Puja
Sarkar, Ms. Biakthan Sangi and Mr.
Tarun Verma, Advocates for
respondent No.2.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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23.08.2016

W.P.(C) 7287/2016 & CM No.29977/2016 (stay)

The petitioner seeks quashing of order dated 18.07.2016, passed by the Delhi Medical Council – respondent No.1, on the complaint lodged by the respondent No.3, whereby the Delhi Medical Council, finding the petitioner guilty of negligence, directed removal of the name of the petitioner for a period of 30 days. The respondent Nos.1 and 2 appears on advance notice.

The petitioner has impugned the order dated 18.07.2016, passed by the Delhi Medical Council, before the Medical Council of India. It is contended that that the appeal is not likely to be taken up for

hearing immediately. Learned counsel for the Medical Council of India confirms that the process of scrutiny etc. takes some time and the appeal would be listed in due course and, thereafter, the hearing would be commenced.

The penalty imposed by the Delhi Medical Council, by the impugned order, has already come into force with effect from 17.08.2016. Since the appeal is not likely to be heard immediately and the penalty imposed has come into effect, the appeal of the petitioner cannot be rendered infructuous on account of the Medical Council of India not being in a position to take up the appeal for hearing before the period of removal comes to an end.

Consequently, the writ petition and the application are disposed of with a direction to the Ethics Committee of the Medical Council of India to dispose of the petitioner's appeal as expeditiously as possible, preferably, within a period of six months. Till the appeal is disposed of, it is directed that the operation of the impugned order dated 18.07.2016, passed by the Delhi Medical Council, shall remain stayed.

Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 23, 2016
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