

\$~49

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

% Judgment delivered on: 03.02.2017

+ W.P.(C) 935/2017 & CM No.4236/2017 (stay)

SANDEEP GUPTA Petitioner

versus

DELHI MEDICAL COUNCIL & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Anupam S. Sharma with Mr. Vipul Sharma and Mr. Ankit Dhawan, Advocates.

For the Respondent : Mr. Bapi Das with Mr. Praveen Khattar, Advocates for respondent No.1 with Mr. L.D.S. Uppal, Asstt. Secretary, DMC.

Ms. Biakthansani, Advocate for Mr. T. Singhdev, Advocate for respondent No.2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.02.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed the present petition seeking a direction to the Medical Council of India to adjudicate petitioner's appeal against order dated 06.01.2017, passed by the Delhi Medical Council.

2. It is contended that by order dated 06.01.2017, the Delhi Medical Council has accepted the recommendations of the Disciplinary Committee and has directed removal of the name of the petitioner from the rolls of the Delhi Medical Council for a period of 30 days. It has further been directed that the order is to come effect after 30 days from the date of the order.

3. It is contended that the petitioner has been constrained to approach this Court as there is no provision of an interim order being passed by the Medical Council of India before whom the appeal has been filed by the petitioner. It is further contended that an appeal has been filed on 27.01.2017, which is not likely to be listed shortly.

4. Learned counsel appearing for the Medical Council of India submits that an appeal has been filed on 27.01.2017 and is being scrutinized by the Registry and the process of scrutiny etc. take some time and the appeal would be listed in due course and, thereafter, the hearings would commence.

5. In the instant case, the penalty, of removal from the roll for 30 days, imposed by the Delhi Medical Council, by order dated 06.01.2017 is to come into effect on 06.02.2017. The appeal filed by the petitioner impugning the said order is not likely to be taken up for hearing immediately. In case, interim protection is not granted to the

petitioner, the appeal of the petitioner would be infructuous as the punishment, awarded to the petitioner, is removal from the rolls for a period of 30 days. In this eventuality, the petitioner would be greatly prejudiced.

6. The admitted position is that the Medical Council of India would not be in a position to take up the appeal for hearing and dispose of the same finally before the period of removal comes into operation i.e. on 06.02.2017.

7. In view of the above, the writ petition is, accordingly, disposed of directing the Medical Council of India to dispose of the petitioner's appeal as expeditiously as possible. Until the appeal is disposed of, it is directed that the operation of the impugned order dated 06.01.2017, passed by the Delhi Medical Council, shall remain stayed.

8. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 03, 2017
st