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

+ W.P.(C) 5300/2017 & CM No.22451/2017

DR. DEEPAK KUMAR

..... Petitioner

Through: Ms Yavamica Kapoor, Advocate
alongwith petitioner in person.

versus

MEDICAL COUNCIL OF INDIA & ORS. Respondents

Through: Mr T. Singhdev and Ms
Biakthansangi, Advocates for MCI.
Mr Rohit Agarwal, Advocate for R-3
alongwith R-3 in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **06.07.2017**

1. The petitioner, a practising doctor has filed the present petition, impugning an order dated 26.05.2017, whereby the petitioner was directed to be removed from the Indian Medical Register for a period of three months. The said order was passed on the recommendations of the Ethics Committee made in the meeting held on 24.01.2017 and 25.01.2017. The principal grievance of the petitioner is that the petitioner has not been heard by the Ethics Committee and thus the principles of natural justice have been violated. The respondents have produced the minutes of the meeting of the Ethics Committee which does indicate that the petitioner was granted an opportunity of being heard. However, the statement of the patient was recorded on 24.01.2017 and the petitioner had no notice of the said meeting

and thus could not be present on the said date. Mr Singhdev, learned counsel for the respondents also does not dispute that the petitioner was not issued any notice for the meeting held on 24.01.2017, on which date the statement of the patient was recorded. In these circumstances, there is little doubt that the process followed by the Ethics Committee is contrary to the settled principles of natural justice. Accordingly, the impugned order dated 26.05.2017 is set aside and the matter is remanded to the Ethics Committee for reconsideration in accordance with law.

2. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

JULY 06, 2017

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