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

+ **LPA 724/2017**

**VAIDYA RAGHUNANDAN SHARMA** ..... Appellant

Through Mr. Ashok Panigrahi with Mr.  
Suryadeep Singh, Advocates.

versus

**UNION OF INDIA & ANR** ..... Respondents

Through Mr. Brajesh Kumar, Advocate for  
respondent No.1.  
Ms. Tasneem Ahmadi with Ms.  
Shubhi Khare, Advocates for  
respondent No.2.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

% **14.11.2017**

**CM No.41016/2017 (exemption)**

Exemption is allowed subject to all just exceptions.

**LPA 724/2017 & CM No.41017/2017 (for condonation of delay in re-filing)**

1. The appellant's grievance is that the learned Single Judge's interpretation that absence to comply with the Regulation 33(3) of the Central Council of Indian Medicine (General) Regulations, 1976 (hereinafter referred to as 'CCIM') and the provisions of the Indian Medical Central Council Act, 1970 and Rules framed thereunder, is not illegal or void, is not sustainable.

2. At the outset, the Court was informed that the meeting in question had taken place and that the appellant's only concern is with respect to the correct interpretation of the Rules and Regulation 33(3) of CCIM. The Regulation requires that for a special meeting, 15 days advance notice is essential; Regulation 33(3) of CCIM also requires that the complete agenda papers, showing the business to be conducted should be furnished in advance.

3. In the present case, the appellant's grievance is that the latter part of the Regulation, i.e., the furnishing of the agenda papers, which were to be discussed in the meeting, were not furnished even though the agenda items were circulated. The learned Single Judge was of the opinion that the appellant ought to have demanded the copies of the material; at the same time, realizing that the denial of the material could lead to some consequences in the form of an unbridled decision or debate. The directions were issued to send a report in digital form with adequate safety measures.

4. After hearing learned counsel for the parties, the Court is of the opinion that the Regulation 33(3) of CCIM has to be strictly complied with, however, since it does not posit the manner a material is to be furnished and the course indicated by the learned Single Judge is quiet in order. The interpretation given by the learned Single Judge, however, flies on the face of the Regulation 33(3) of CCIM which mandates that the agenda papers/material should be furnished along with the agenda note 15 days in advance.

5. The above observations, shall not, in any manner, result in invalidation of any decision taken in the concerned meeting. However, the Council shall comply with the terms of the Regulation 33(3) of CCIM, in letter and spirit and in the manner indicated, in all its future meetings.

6. The appeal is disposed of.

**S. RAVINDRA BHAT, J**

**SANJEEV SACHDEVA, J**

**NOVEMBER 14, 2017**  
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