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

+ W.P.(C) 8918/2017

VIKAS PATEL

..... Petitioner

Through: Mr Sanyam Khetarpal and Mr Nitesh
Goyal, Advocates.

versus

THE DELHI MEDICAL COUNCIL & ANR Respondents

Through: Mr Bapi Das, Advocate for Mr
Praveen Khattar, Advocate for R-
1/Delhi Medical Council.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.10.2017

CM No.36471/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 8918/2017 & CM No. 36470/2017

2. The petitioner – who is a Medical Practitioner – has filed the present petition impugning an order dated 11.09.2017 passed by the Delhi Medical Council directing removal of his name from the State Medical Register for a period of 180 days with further directions that the petitioner undergo 15 hours of Continuing Medical Education on the subject of ‘Casualty and Emergency Medicine’ and submit a compliance report to the Delhi Medical Council. The aforesaid punitive measure has been imposed pursuant to a complaint of medical negligence in treatment of one Joginder Kumar Singh who had expired.

3. The learned counsel for the petitioner states that the petitioner has already filed an appeal before the Medical Council of India (hereafter 'MCI'), however, the same has not been taken up for hearing as yet. He states that the petitioner would be satisfied if the impugned order is stayed pending consideration of the petitioner's appeal by the MCI. The learned counsel for the Delhi Medical Council has no objection to the said relief.
4. Since, it is the conceded position that MCI may not be able to take up the petitioner's appeal on an urgent basis, this Court consider it apposite to stay the impugned order subject to the final order that may be passed by the MCI.
5. It is clarified that nothing stated herein should be construed as an expression of opinion as to the merits of the matter and the MCI shall decide the petitioner's appeal uninfluenced by the present order.
6. The petition is disposed of with the above observations.
7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 11, 2017
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