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

+ **W.P.(C) 11117/2017**

**AJIT KUMAR**

..... Petitioner

Through Mr Devendra Kumar Singh, Advocate  
with Ms Gitanjali N. Sharma, Advocate.

versus

**UNION OF INDIA AND ANR.**

..... Respondents

Through Mr T. Singhdev, Mr Amandeep Kaur,  
Ms Puja Sarkar, Mr Biakthansangi Das, Advocates  
for Respondent No. 2/MCI.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**15.12.2017**

**VIBHU BAKHRU, J**

1. The petitioner has filed the present petition, *inter alia*, impugning a letter dated 09.04.2008 issued by the Medical Council of India (hereafter 'MCI') to the SHO Police Station, Sector-23, Dwarka, New Delhi requesting that an FIR be registered against the petitioner for furnishing a false diploma certificate. The petitioner also seeks an order directing the MCI to permit the petitioner to complete the period of shortfall of one year to complete the required six years of a medical course.

2. The petitioner claims to have obtained his intermediate of science degree in the year 1992 from the Bihar Intermediate Education Council, Patna. In this petition, the petitioner claims that, thereafter, he sought

admission at Moscow State University of Medicine and Dentistry, which is recognized by the MCI. He studied at the said university during the period September, 1992 till September, 1997 (including one year of preparatory course). The petitioner states that after completion of his five years of the MBBS course from September, 1992 to 1997, he was admitted to TVER State Medical Academy and continued with his MD Course in the said University from the year 1997 to 1999.

3. The petitioner claims that he was awarded a diploma by the TVER State Medical Academy (being diploma No. 0006388 having registration No. 391) on 24.06.1999. He applied for registration on the basis of the aforesaid diploma and was granted the provisional registration by MCI on 05.08.1999. The petitioner states that he completed his internship at Darbhanga Medical College and Hospital at Laheriasarai and was issued a certificate to the aforesaid effect (being certificate No. 449 dated 07.02.2001) by the Principal of Darbhanga Medical College & Hospital.

4. The petitioner's provisional registration with MCI was initially valid for a period of twelve months but was subsequently extended up to 04.02.2001.

5. Thereafter, the petitioner applied for a permanent registration. However, the same was denied and by a communication dated 09.04.2008, which impugned herein, the MCI instituted a complaint with the Police Authorities.

### ***Submissions***

6. The learned counsel appearing for the petitioner contended that in view of the decision of the Supreme Court in ***Medical Council of India v. Indian Doctors from Russia Welfare Association & others : 2002 (3) SCC***

696, all students who had obtained degrees from foreign institutions where the total duration of their study was less than six years were granted registration and were provided an opportunity to cover the shortfall by way of an additional internship over and above the regular internship of one year. On the strength of the aforesaid decision, he submitted that since the petitioner had undergone five years course he was, thus, entitled to undergo internship of a further period of one year for being registered as a medical practitioner. He submitted that even if the petitioner's qualification from TVER State Medical Academy was ignored, the petitioner would still be entitled to take the benefit of the five year course undertaken at the Moscow State University of Medicine and Dentistry.

7. Mr T. Singhdev, learned counsel appearing for the MCI countered the submissions made on behalf of the petitioner. He handed over a copy of the diploma submitted by the petitioner at the time of seeking provisional registration with the MCI. He submitted that the MCI had sent a copy of the said diploma for verification to the concerned institution (TVER State Medical Academy) through Indian Embassy at Moscow and after much follow up, TVER State Medical Academy had informed the MCI that only one diploma certificate bearing No. 0004065 had been issued in the name of one Ajit Kumar. Plainly, that was not the diploma submitted by the petitioner.

8. He also handed over a copy of the notice dated 15.06.2007 issued to the petitioner seeking his explanation in this regard. He pointed out that the petitioner had responded to the show cause notice by a letter dated 20.09.2007 stating that "he had been harassed by Education Mafia, and the Dean and the faculty members who continuously demanded money from the

petitioner” and requesting that his case be considered sympathetically. Mr Singhdev pointed that even in this response to the notice dated 15.06.2002, the petitioner did not claim that he had studied at Moscow State University of Medicine and Dentistry.

9. I have heard the counsel for the parties.

10. The facts that emerge clearly indicate that prior to filing the present petition, the petitioner had not at any material time claimed that he had completed his medical course from Moscow State ‘A.I. Yevdokimov Moscow State University of Medicine and Dentistry’. Admittedly, the petitioner had applied for provisional registration with the MCI by submitting a copy of the diploma No. 0006388 bearing registration No. 391 dated 24.06.1999 purportedly issued by TVER State Medical Academy. The said diploma indicated that the petitioner had entered the TVER State Medical Academy in 1993 and had graduated from the State Medical Academy in the field of “General Medicine”, in 1999. The sheet annexed to the diploma certificate indicated that the petitioner had completed 7,402 hours of studies in 49 different subjects and had further undertaken a practical training for a period of six weeks. There was no mention of the petitioner having studied any other medical course in any other college.

11. The MCI had granted provisional registration to the petitioner and simultaneously had also undertaken the exercise of verifying the certificate furnished by the petitioner. In the first instance, the MCI sent a letter dated 30.07.1999 to the Ambassador, Indian Embassy in Moscow enclosing the documents submitted by the petitioner and requesting that the authenticity of the said documents be verified.

12. The provisional registration was extended up to 04.02.2001. The

certificate of provisional registration issued to the petitioner under Section 25(2) of the Indian Medical Council Act, 1956 (certificate No. MCI/Provisional/13895) clearly indicates the name of the college and university as TVER State Medical Academy as the said registration was granted to the petitioner on the strength of the certificate furnished by him.

13. In response to the queries made by the MCI/Indian Embassy at Moscow, TVER State Medical Academy informed that only one student by the name of Ajit Kumar had passed out of the Academy in the year 1999 and was issued a diploma bearing no. 0004065 with the registration No. 353. Admittedly, this is not the diploma submitted by the petitioner. Thus, the only conclusion that could be drawn was that the petitioner had submitted a fabricated document and was never issued any diploma by TVER State Medical Academy. Apparently, another candidate with a similar name was awarded the diploma (bearing No. 0004065 with the registration No. 353) by TVER State Medical Academy in the year 1999.

14. In view of the above, the MCI issued a notice dated 15.06.2007 calling upon the petitioner to provide an explanation. It is relevant to note that in response to the aforesaid notice, the petitioner had stated that *“while he was studying abroad he was harassed by Education Mafia, Dean (Foreign Students Dept.) and faculty members who always harassed for money every time during exam.”* He claimed that *“on raising a protest, he was threatened with dire consequences. However, he was finally allowed to appear for the final exams but he never imagined that they would ruin his career by tempering his academic records.”*

15. It was thus, the petitioner’s case that he had in fact studied at TVER State Medical Academy and his records had been tampered with by the

Dean/faculty members. It is important to note that at this stage the petitioner did not claim that he had completed a five year course in another institution; on the contrary, he continued to stand by the certificate furnished by him, which indicated that he had completed six years medical course at TVER State Medical Academy; that is from the year 1993 to 1999.

16. In the aforesaid facts, the MCI filed a complaint with P.S. Dwarka requesting that an FIR be registered against the petitioner for furnishing a false certificate. Pursuant to the said request, an FIR was registered (FIR No. 341/2008); charges were framed; and by an order dated 13.11.2014, the Metropolitan Magistrate also took cognizance of the offences alleged to have been committed by the petitioner.

17. The petitioner has filed a criminal miscellaneous application (Crl. M.C. 2962/2016) in this Court seeking quashing of the criminal proceedings, which - this Court is informed - is pending.

18. In view of the above, the question of granting the relief of quashing the letter dated 09.04.2008 does not arise. Much time has elapsed since the complaint was lodged and the Metropolitan Magistrate has already taken cognizance of the offences as stated above. Thus, apart from being unmerited, the said relief is also liable to be rejected on account of delay.

19. The petitioner's prayer that he be permitted to cover the period of shortfall of one year also cannot be granted. There is no material to establish that the petitioner had completed a degree course in medical studies. The petitioner has now set up a completely different case by claiming that he underwent five year course at A.I. Yevdokimov Moscow State University of Medicine and Dentistry. This is contrary to the representation made by the petitioner to the MCI while seeking provisional registration and thus, has no

credibility whatsoever. Having asserted that he had completed a six year course from TVER State Medical Academy during the period 1993 to the year 1999, it is not open for the petitioner to assert that he had undergone a course in another university during the years 1992 to 1997.

20. It is also important to note that the petitioner has not produced any degree or diploma in support of his new found claim. The petitioner has produced a certificate purportedly on the letterhead of 'A.I. Yevdokimov Moscow State University of Medicine and Dentistry' indicating that he had studied at the said university from 1992 to 1997 including the preparatory course from 1992 to 1993. Plainly, the said letter cannot be accepted as a degree of a medical qualification.

21. The fact as narrated above also clearly establish that there is a good ground to hold that the petitioner has been less than honest.

22. This Court also finds no infirmity with the decision of the MCI in rejecting the petitioner's claim of having studied in another college, which has been raised more than twenty years after the petitioner had supposedly completed his course.

23. In view of the above, the petition is dismissed with a cost of ₹25,000/-. The said cost shall be deposited with the Delhi High Court Legal Services Committee within a period of two weeks from today.

**VIBHU BAKHRU, J**

**DECEMBER 15, 2017**

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