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

+ **W.P.(C) 10703/2017 & CM NO. 43869/2017**

SH. ANKESH RANA AND ANR. Petitioners

Through Mr H.S. Kohli, Advocate with
Mr Raghav Mehlotra, Advocate.

versus

DELHI MEDICAL COUNCIL Respondent
Through Mr Praveen Khattar, Advocate for DMC
with Mr Uppal, Asstt. Secretary, DMC.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **01.12.2017**

CM No. 43870/2017

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10703/2017 & CM NO. 43869/2017

3. The petitioners have filed the present petition, *inter alia*, praying as under:-

“A) Appropriate writ(s), order(s) or direction(s) of nature of mandamus or any other writ, order or directions of like nature thereby quashing the order of cancellation of provisional registration of the petitioners no.1 & 2 made by the respondent respectively vide its letters dated 30.01.2017 & 04.09.2017 or by any other communications issued to the petitioners; and/or

B) Appropriate writ(s), order(s) or direction(s) of nature of mandamus or any other writ, order or directions of like nature

thereby directing the respondent to issue a fresh provisional registration of the petitioners, allowing the petitioners to complete their internship for the balance period and on completion thereof, the respondent be directed to consider and issue permanent registration in a time bound manner.”

4. The petitioners completed their graduation in medical studies from a foreign university. It is stated that they had proceeded to undertake the graduation course after obtaining the eligibility certificate under the *Eligibility Requirement for taking Admission in an Undergraduate Medical Course in a Foreign Medical Institution Regulations, 2002*.
5. After completing their course, the petitioners returned back to India and obtained a provisional registration with Delhi Medical Council (hereafter ‘DMC’) after clearing the Screening Test under the Medical Council of India Screening Test Regulations, 2002.
6. The controversy relates to the internship stated to have been undertaken by the petitioners. The petitioners state that after obtaining the certificate of provisional registration, the petitioners commenced their internship with a hospital approved by the Medical Council of India (hereafter ‘MCI’).
7. The petitioners, thereafter, submitted their certificates of internship for obtaining the final registration on the State Medical Register maintained by DMC. The allegations against the petitioners are that the certificates of internship submitted by them are forged and fabricated and they have, in fact, not undergone the term of internship as claimed by them.
8. The verification conducted by DMC indicated that petitioner no.1 had not undergone any internship and petitioner no.2 has undergone an internship for only 10 months. It is in the aforesaid context that their

provisional registration has been cancelled.

9. The result of cancelling the provisional registration granted to the petitioners is that they would now not be entitled to complete their internship and/or to be registered with DMC; consequently, the petitioners would not be able to practice medical profession in India.

10. The effect of cancellation of provisional registration is onerous and extremely harsh. However, given the fact that the certificates furnished by the petitioners have been found to be incorrect, the petitioners cannot escape the punitive action in totality.

11. It is in this context that this Court suggested that it would be appropriate that the petitioners be permitted to take a fresh provisional registration and complete their internship afresh. The said suggestion was mentioned in the order dated 11.05.2017 passed in W.P. (C) 3382/2017 captioned as “Brajendra Karn & Ors v. Delhi Medical Council”. Pursuant to the aforesaid suggestion, the Executive Committee of the DMC has decided to permit the petitioners to apply afresh for a provisional certificate for undergoing the internship afresh in MCI approved institutions.

12. This Court considers the said course to be most apposite in the light of the facts of the present case. Accordingly, the prayers as made by the petitioners in this petition must be rejected. However, the petitioners would be at liberty to apply afresh for provisional registration, which would be considered in accordance with law.

13. The learned counsel for the petitioners submits that DMC has also made a criminal complaint for furnishing forged and fabricated internship certificate and it is apprehended that the DMC would also take further disciplinary action against the petitioners.

14. Since the DMC has already decided to take the punitive measure of cancelling the provisional registration and has now permitted them to apply afresh, no further disciplinary proceedings would be conducted by DMC and a closure would be brought to the matter in so far as the petitioners are concerned.

15. Insofar as the criminal case is concerned, this Court is refraining from making any observations in this regard and it would be open for the petitioners to contest the same at an appropriate stage.

16. This order is passed with the concurrence with the learned counsel for the parties.

17. The petition and pending application are disposed of.

VIBHU BAKHRU, J

DECEMBER 01, 2017

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