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

+ W.P.(C) 394/2018 with C.M. APPL. 1658-1659/2018

MS. CAROLINE D CRUZ ANTONY CRUZ Petitioner
Through: Mr. Sanyam Khetarpal, Advocate
versus

DELHI MEDICAL COUNCIL Respondent
Through: Mr. Praveen Khatter for DMC.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER
% **16.01.2018**

Issue Notice. Notice is accepted by Mr. Praveen Khatter, accepts notice on behalf of the respondent i.e. Delhi Medical Council (in short “DMC”).

By way of this writ petition challenge is laid to the letter dated 9th March, 2017, whereby, the petitioner’s application for grant of permanent registration with the respondent is rejected. The reason for doing so was that the petitioner, concededly, submitted a forged internship completion certificate.

Ordinarily, while exercising jurisdiction under Article 226 this Court may not have entertained the instant present petition, however, I am told that there are at least two orders passed by a Single Judge of this Court based on the stand taken by DMC whereby an opportunity has been given to the delinquents to provisionally re-register with DMC so as to enable them to make a fresh attempt at completing their internship.

In this case there is no dispute that the petitioner has cleared the screening test stipulated under the MCI Screening Test Regulation, 2002. However, what the petitioner has done which she clearly ought not to have done was to submit a forged internship completion certificate of the Government District Hospital Durg, Chhattisgarh.

It is only after verification was carried out by DMC that vide a communication dated 21/25, January, 2017 received from the said hospital, the DMC came to know that the internship completion certificate submitted by the petitioner was a forged document. Based on this communication, the DMC filed a complaint with the police which has resulted in setting in motion the criminal process qua the petitioner.

The two orders which I have alluded to above are orders dated 1st December, 2017, passed in a batch of writ petitions in W.P. (C) 3988/2017, titled *Rakesh Kumar Danodia & Ors. V. Delhi Medical Council* and, the other being: order dated 20th December, 2017, passed in W.P.(C) 8874/2017, titled *Ms. Janvi Vikaram Thakkar and Ors. V. Delhi Medical Council*.

The operative directions issued in both orders are to the effect that the concerned petitioner would have liberty to make a fresh application for provisional registration with DMC and that in so far as the triggering of the criminal process was concerned, no interference was called for. Furthermore, I may, also, for the sake of convenience extract the observations made in another matter i.e. *Brajendra Karn & ORS. V. Delhi Medical Council*

“5. The petitioner, 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 essentially that the certificates of internship submitted by them are forged and fabricated and they have not been issued by the respective

hospitals, where the petitioners underwent their internship.

6. *The verification conducted in respect of one of the Medical Practitioners, who had already been granted permanent registration by the respondent, indicated that the certificates of internship issued by the concerned hospital was not issued in due course and was without proper administrative approvals. DMC claims that further investigations revealed that the internship certificates submitted by the petitioners were also fabricated and/or without proper administrative approvals. It is in this context that the provisional registration of the petitioners has been cancelled.*

7. *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.*

8. *The effect of cancellation of provisional registration is 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.*

9. *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 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.*

10. *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 these petitions must be rejected. However, the petitioners would be at liberty to apply afresh for provisional registration, which would be considered in accordance with law.*

11. *The learned counsel for the petitioners submits that DMC has also made a criminal complaint for furnishing forged and fabricated*

internship certificates and it is apprehended that the DMC would also take further disciplinary action against the petitioners.

12. 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.

13. 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.”

(emphasis is mine)

These observations, broadly, find mention in other other cases as well including *Ms. Janvi Vikaram Thakkar and Ors. V. Delhi Medical Council*.

Therefore, having regard to the observations made in *Brajendra Karn & ORS. V. Delhi Medical Council* and other cases this Court would have no option but to follow suit.

Accordingly, on, an application being made by the petitioner, for provisional registration, DMC will consider it in accordance with law.

However, having said so, the recidivist trait in the petitioner and those similarly placed would need to be curbed. Therefore, if the petitioner is allowed to embark upon fresh internship, DMC will closely supervise the petitioner and ensure that the internship is completed without fail.

Furthermore, DMC will from time to time take inputs concerning the professional conduct of the petitioner, and if, the petitioner intends to practice it will closely supervise her for at least a period of five years. If any infraction is found vis a vis the professional conduct of the petitioner, due action will be taken in accordance with the extant regulations and provisions of law.

In case the petitioner does not apply for Provisional registration with the DMC, then, the order passed today will be placed by the petitioner before the State Medical Council with which she intends to register. Furthermore, the DMC will circulate a copy of this order to all State Medical Councils.

In view of the stand taken by the DMC in other matters, the obvious effect is that the respondent will have to withdraw the letter dated 9th March, 2017 if it wishes to entertain the petitioner's application for provisional registration.

The writ petition and pending applications are disposed of in aforesaid terms.

RAJIV SHAKDHER, J

JANUARY 16, 2018/Nk