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

Date of Decision: 20.02.2018

+ LPA 68/2018 & CM APPL. 6630-6632/2018

AJIT KUMAR

..... Appellant

Through: Mr. Devendra Kumar Singh with
Mr. Jagannath Singh, Advs.

versus

THE UNION OF INDIA AND ANR

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Mr. Ruchir Ranjan Rai & Mr. Siddharth Singh,
Advs. for R-1/UOI.

Mr. T. Singhdev with Ms. Amandeep Kaur,
Mr. Tarun Verma, Ms. Puja Sarkar,
Ms. Biakthansangi Das & Mr. Abhijit
Chakravarty, Advs. for R-2/MCI.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

S. RAVINDRA BHAT, J.(ORAL)

1. This appeal is directed against an order of the learned Single Judge rejecting a writ petition preferred under Article 226 of the Constitution of India. The writ petitioner (i.e. the present appellant) sought a direction for quashing of a decision of the Medical Council of India (MCI) and the quashing of a First Information Report (FIR).

2. The facts, briefly, are that the petitioner claims to have studied in the Tver State Medical Academy for the period 1993-99 and based upon a certificate issued by that institution (on 24.06.1999), approached the MCI, having regard to the extant

Regulations, for registration in accordance with its then existing policy. The MCI, considered the material on record, including an application (of 24.06.1999) which claimed that the appellant had studied from Tver State Medical Academy. The appellant had also applied again on 07.09.2001 reiterating that he had undergone the medical course in the Tver State Medical Academy. As was necessary, the MCI sought verification through the Indian Embassy, to which the response was received from the Tver State Medical Academy at Page 21 (on 27.11.2006) that only one student i.e. Ajit Kumar had passed out of the Academy in 1999 (whose Registration number was 353 and the Diploma number issued to him was 0004065). The MCI issued notice to show cause why the registration ought not to be withdrawn, to which the appellant responded stating that he was badly harassed by the education *mafia* and faculty members, and that finally the Director of the Academy lured him to appear for the final exams. The reply of 28.09.2007 nowhere claimed that the appellant had ever studied or undergone any other medical course in any other institution. Based upon the reply which was deemed unsatisfactory, the MCI cancelled the provisional registration and thereafter lodged a First Information Report (FIR), on 19.12.2008. The investigation culminated in a final report and a charge sheet was filed before the Competent Court; cognizance was taken on 13.11.2014.

3. It is urged that the Single Judge fell into error in not noticing that the appellant was a victim of the education *mafia* at Russia. Learned counsel appearing on behalf of the appellant stressed that,

in fact, the application made with respect to completion of the Medical course at Tver State Medical Academy was wrong and the reference ought to have been to Moscow State University. It was submitted that to cater to the needs of students who went to the erstwhile USSR at a troubled time and underwent various medical courses at different institutions, in the Supreme Court judgment reported as *Medical Council of India v. Indian Doctors from Russia Welfare Asso. & Ors.* (2002) 3 SCC 696, the provision for registration, subject to verification, was made. The petitioner had undergone the necessary course, as is evident from the course content in the form of the subjects he studied and the list of books and curriculum prescribed.

4. The material on record discloses that both the applications made to the MCI by the appellant claimed that the petitioner had studied at the Tver State Medical Academy. There are contradictory claims as to why the petitioner/appellant had to return – on the one hand, he claimed to be a victim of the education *mafia* and was served a show cause notice; significantly (in that letter in reply to the MCI), no claim with respect to having undergone the course in any Academy other than the Tver State Medical Academy was made, the second explanation was that the petitioner had suffered some medical illness and therefore had to return hastily. In this regard, reliance is placed upon a letter / communication addressed to a Russian individual and a reply thereto placed on the record. These materials were not part of the original record – they are extracts of e-mails exchanged on

07.08.2015 between the petitioner and Viktor Lykov. The e-mail communication and response by Mr. Lykov indicates that the petitioner wished to hold himself out as a candidate in an election.

5. Having regard to all the materials on the record, this Court is of the opinion that the impugned judgment cannot be faulted. No claim was made nor was any material placed on record to substantiate that the petitioner had studied in any University or institution recognized by the MCI, in any medical course. The only claim he made in both applications successively filed in 1991 and 2001 was that he underwent a course in Tver State Medical Academy – that claim was utterly unfounded, even false, for which he is facing prosecution. In these circumstances, there can be no doubt that the claim for registration was meritless and based upon false material. Therefore, the rejection of the writ petition was entirely justified and imposition of the cost was justified.

The appeal is consequently dismissed; the appellant shall pay costs quantified at ₹50,000/- to the respondents. All the pending applications also stand disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 20, 2018

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