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

+ W.P.(C) 889/2018 & CM Nos.3769-70/2018

SHABNAM KHARE

..... Petitioner

Through : Mr. Amit Kumar and
Mr. Jai Bansal, Advs.

versus

MEDICAL COUNCIL OF INDIA & ANR Respondents

Through : Mr. T. Singhdev, Ms. Amandeep
Kaur, Mr. Tarun Verma, Ms. Puja
Sarkar, Ms. Biakthansangi Das and
Mr. Abhijit Chakravarty, Advs. for
R-1.
Mr. Praveen Khattar with Mr. Bapi
Das, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **31.01.2018**

CM No.3769/2018 (Exemption)

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

W.P.(C) 889/2018 & CM No.3770/2018

3. Issue notice to the respondents.
4. Mr. T. Singhdev, Advocate accepts notice on behalf of respondent no.1, i.e., Medical Council of India (in short MCI), while Mr. Praveen Khattar, Advocate accepts notice on behalf of respondent no.2, i.e., Delhi Medical Council (in short DMC).
5. In view of the order that I propose to pass, no notice need be issued

to respondent no.3, i.e., the original complainant at this juncture.

6. The short ground on which the impugned order dated 9.1.2018 is assailed is that it does not contain any reasons.

7. Learned counsel for the petitioner says that respondent no.1, i.e., MCI in its Executive Committee meeting held on 14.12.2017 has merely approved the recommendations of its Ethics Committee. It is submitted that the impugned order is cryptic to the point of being bereft of reasons.

8. To my mind, this argument is unassailable. The Executive Committee of respondent No. 1/MCI has put its seal of approval on the recommendation of the Ethics Committee without any discussion whatsoever. Reasons, as is often stated, is the link between the material perused and the conclusion reached in a given matter. All that emerges upon perusal of the impugned order is the conclusion. In the absence of reasons the impugned order cannot be sustained.

8.1 Accordingly, the impugned order dated 9.1.2018 is set aside. The matter is remanded to respondent no.1/MCI for a fresh consideration. The respondent no.1 /MCI will pass an order after hearing the concerned parties, which would include petitioners and the respondent no.3, i.e., the original complainant. Written notice of such hearing, would be given by respondent no.1 /MCI to the concerned parties.

9. Needless to say, pending the disposal of the appeal, the order dated 1 February 2017, passed in WP(C)No.718/2017 shall continue to operate. Resultantly, the operation of order dated 2 January 2017, passed by respondent no.2/ DMC shall remain stayed till disposal of the appeal. Registry will dispatch a copy of this order to respondent No. 3

10. In case, respondent no.3 has any grievance, he will have liberty to approach the court.

11. The writ petition and pending application are disposed of in the above terms.

12. Dasti under signatures of Court Master.

JANUARY 31, 2018

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RAJIV SHAKDHER, J