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

+ W.P.(C) 1452/2017 & CM APPL Nos. 27415/2017, 35468/2017

ASHOK SAGAR

..... Petitioner

Through: Mr. Joginer Sukhija , Advocate

versus

MEDICAL COUNCIL OF INDIA & ANR

..... Respondent

Through: Mr. T. Singh Dev, Ms. Amandeep Kaur, Mr. Tarun Verma, Ms. Puja Sarkar and Mr. Abhijeet, Advocates for R-1

Mr. Amit Anand Tiwari, Mr. N. Raja Senthoo Pandian and Mr. Shshwat Singh, Advocates for R-2s

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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08.01.2018

1. The present writ petition has been filed seeking a direction to respondent no.1/ Medical council of India(hereinafter referred to as MCI) to grant recognition to the post-graduate degree of the petitioner in M.D. (Forensic Medicine), which the petitioner has obtained from respondent no.2/Santosh Medical College & Hospital.
2. The petitioner upon completion of MBBS from S.N Medical College & Hospital in the year 1999 under the Agra University registered himself as a medical practitioner in the year 1999. He took admission in the respondent no.2-college for undertaking further study in M.D. (Forensic Medicine) which he completed in the year 2012. It is contended by the learned counsel for the petitioner that despite more than 5 years having

elapsed his post graduation degree has not been registered by MCI till date.

3. Mr. T.Singh Dev, learned counsel appearing for respondent no.1/MCI submits that after a letter of permission dated 23.03.2007 had been issued by the Union of India to respondent no.2 for starting the course of M.D. (Forensic Medicine), the College had on 18.04.2011 submitted an application under-section 11(2) of the Indian Medical Council Act seeking recognition of the M.D. (Forensic Medicine) in respect of students trained at Santosh Medical College & Hospital, U.P. He submits that based on the said application submitted by the respondent no.2-college inspections had been carried out by the respondent no.1/MCI on 20.05.2011 and 27.11.2014 whereafter certain deficiencies were pointed out to the respondent no.2-College through a series of letters. He however submits that though a some compliances were made by respondent no.2 in response to the deficiencies pointed out by respondent no.1/MCI, the respondent no.2-College had failed to respond to the respondent no.1's letter dated 07.09.2016 pointing out some deficiencies which had not yet been removed by the respondent no.2-College. Mr. Singh Dev further submits that once it is not denied by the respondent no.2-College that it had not submitted any reply to the respondent no.1's last communication dated 07.09.2016, the respondent no.1 was fully justified in not according recognition to the aforesaid course due to non-removal of the deficiencies by the respondent no.2-College.

4. On the other hand, Mr. Amit Tiwari learned counsel for respondent no.2 submits that except for the last communication dated 07.09.2016, the respondent no.2-College has replied to all the letters of respondent no.1. He however assures the Court that the respondent no.2-College will immediately send a comprehensive reply to respondent no.1 alongwith

compliances/undertakings so as to facilitate the process of registration of the degree of MD (Forensic Medicine).

5. Mr.Joginer Sukhija, appearing for the petitioner submits that due to the delay of his degree registration, he is about to become overage for applying for the various jobs requiring his qualification and submits that he will have to seek relaxation with regard to age requirement from the prospective employers.

6. Having heard learned counsel for parties, this Court is of the opinion that degrees of the students who have taken admission in post-graduate courses in accordance with law should not be unnecessarily withheld on the ground of lack of compliances by the College/University.

7. Reliance has been placed by the parties on a decision of this Court in the case of DR. SHIVENDRA KUMAR SINGH & ORS. V. UNION OF INDIA bearing W.P.(C) No.1854/2016 decided on 04.03.2016 wherein the following directions were issued:-

“Consequently, it is directed that respondent no. 3-College shall submit its compliance report within a period of one week. Respondent no. 2-MCI in turn is directed to complete the re-assessment process within a maximum period of four weeks and thereafter the process, in accordance with law, should be followed and completed within a further period of four weeks.”

8. In view of the above it is deemed appropriate to issue similar directions in the present petition and accordingly the respondent no.2-College is directed to submit its compliance report/undertaking within a period of one week. Respondent no.1/MCI is directed to complete the

reassessment process within a maximum period of four weeks and thereafter, the process in accordance with law shall be followed within a further period of four weeks.

9. With the aforesaid observations and directions, present writ petition and application stand disposed of.

10. *Dasti*

REKHA PALLI, J

JANUARY 08, 2018

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