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

Judgment pronounced on: 09.03.2018

+ W.P.(C) 2158/2018 & CM Nos.8918-19/2018

**ASSOCIATION OF MEDICAL BIOCHEMISTS
OF INDIA**

..... Petitioner

Through : Mr. Akhil Sibal, Sr. Adv.
with Mr. Arun Batta, Mr. Jai
Sahai Endlaw, Ms. Nitya
Gupta and Ms. Neha
Kumari, Advs.

versus

MEDICAL COUNCIL OF INDIA

..... Respondent

Through : Mr. T. Singhdev, Mr. Tarun
Verma, Mr. Abhijit
Chakravarty, Ms. Michelle
Biakthansangi, Ms. Puja
Sarkar and Ms. Amandeep
Kaur, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

CM No.8918/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 2158/2018 & CM No.8919/2018

2. A limited relief, which, the petitioner seeks, presently, is the consideration of its representation dated 12.1.2018, addressed to the Medical Council of India (in short "MCI").

3. Mr. Sibal, who appears for the petitioner says that MCI in his view has erroneously construed the order of the Supreme Court dated 12.12.2017, passed in SLP (C) No.28529/2010, titled: *North Gujarat Unit of Association of Self Employed Owners (Paramedical) of Private Pathology Laboratories of Gujarat vs. North Gujarat Pathologists Association & Ors.*

4. According to Mr. Sibal the issue which, *inter alia*, arose before the Supreme Court was whether laboratory technicians could sign the lab-reports as against registered medical practitioners who possess post graduate qualification in Pathology.

5. Mr. Sibal's submission is that persons holding post graduate medical degree in other disciplines such as Biochemistry, Microbiology, Immunology and Haematology should also be permitted to sign the lab-reports.

6. Mr. Sibal says that the petitioner association is concerned with those persons who have a basic MBBS degree along with post graduate degree in the aforementioned disciplines.

7. Mr. Singhdev, who appears on advance notice, says that if so directed, MCI will consider the representation of the petitioner.

8. Accordingly, MCI is directed to consider the aforementioned representation of the petitioner association. Since, in support of its representation, the petitioner association also seeks to place reliance upon the assertions made in the writ petition, the assertions made therein will also be considered by the MCI. The MCI will pass a speaking order and, if necessary, hear the authorised representatives of the petitioner association.

9. The writ petition is, accordingly, disposed of.
10. Needless to say, the aforementioned exercise will be carried out expeditiously, though, not later than eight weeks from today.
11. Consequently, pending application shall stand closed.

RAJIV SHAKDHER, J

MARCH 09, 2018

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