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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1637/2018
DR.RAKESH KUMAR BHATNAGAR Petitioner
Represented by: Mr. S.P. Verma, Advocate.
versus

DELHI MEDICAL COUNCIL & ORS. Respondent
Represented by: Mr. Praveen Khattar, Advocate
for R-1.
Mr. Sanjay Lao, ASC for the
State with ASI Kirpal, PS
Madhu Vihar.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
24.05.2018

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Crl.M.A. No. 10162/2018 (Exemption)

Allowed, subject to all just exceptions.

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1. By this petition, the grievance of the petitioner is against the notice dated 1st May, 2018 issued by the Delhi Medical Council asking him to appear on 14th May, 2018.

2. Petitioner who is present in Court states that petitioner was working in Maulana Azad Medical College and retired in the year 2010. Thereafter the petitioner has not been doing anything and when he noticed that certain people were misusing his name, he got public notice issued in the newspaper on 2nd March, 2017. On 10th January, 2018 the petitioner filed a complaint against the erring pathological lab for misusing his name. It is the case of the petitioner that despite the petitioner having no connection whatsoever with

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the pathological lab, the petitioner's name has been dragged, his license has been suspended and he is facing inquiry.

3. A perusal of the record reveals that first notice issued to the petitioner to appear before the Inquiry Committee of the Delhi Medical Council was dated 1st January, 2018 whereafter the petitioner has been joining the inquiry. Even vide the impugned notice dated 1st May, 2018 the petitioner was required to join the inquiry on 14th May, 2018 which admittedly the petitioner has joined.

4. Learned counsel for the Delhi Medical Council submits that the petitioner has also joined the inquiry on 21st and 22nd May, 2018. He further states that notice has been given to the petitioner to appear before the Inquiry Committee on 28th May, 2018. Learned counsel for respondent No. 1 states that the license of the petitioner was suspended for one year and during the pendency of the suspension of the said license, the petitioner started practicing again and thus this notice was issued.

5. The petitioner having already submitted to the jurisdiction of the Inquiry Committee and the fact whether the petitioner has concern with the pathological lab or not can be determine only after an inquiry, this Court finds no ground to interfere in the notice dated 1st May, 2018 issued by the Delhi Medical Council, which in any case has become infructuous as the petitioner has joined the inquiry.

6. Petition and application are dismissed.

MUKTA GUPTA, J.

**MAY 24, 2018/‘yo’
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