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

+ LPA 418/2016

VED PRAKASH THAKUR Appellant
Through: Ms.Sindhu Sinha, Adv.

Versus

DELHI MEDICAL COUNCIL & ANR. Respondents
Through: Mr.Praveen Khattar, Adv. with
Ms.Bapi Das, Adv. for R-1/DMC.
Mr.T.Singhdev, Adv. with Ms.Biakthansangi Das,
Mr.Abhijit Chakraborty, Adv. for R-2/MCI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
27.11.2018

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1. Seeking exception to an order passed by the learned Writ Court on 24th May, 2016 in W.P.(C) No.4811/2016, this appeal has been filed under Clause 10 of the Letters Patent.

2. The appellant completed a course in MBBS from Russia and was registered with the Medical Council of India provisionally. The provisional registration certificate lapsed in October, 2001 and the application for extension of provisional registration was rejected in December, 2001. It seems that thereafter the appellant kept quiet and subsequently sought permanent registration after a period of more than 14 years by re-applying in the year 2014 and thereafter filing the writ petition in the year 2016. Apart from finding undue lapse on the part of the appellant in seeking the benefit,

it was found that the appellant did not appear in the screening test conducted by the National Medical Board. Taking note of all these circumstances, the writ petition was dismissed by the learned writ Court.

3. It seems that before the Writ Court, the appellant sought parity with certain persons who were granted registration. However, when the matter was considered by us in this appeal, the Delhi Medical Council ('DMC') raised an objection to say that the Medical Council of India ('MCI') is a necessary party as they have caused certain inquiries into the matter. The MCI was, therefore, impleaded as a respondent, they filed a detailed affidavit which goes to show that apart from cancellation of appellant's provisional registration in the year 2001, there are allegations of forgery against the petitioner in the matter of submitting a forged and fabricated mark sheet issued by the West Bengal Council of High Secondary Education. The communication available on record filed by the MCI shows detailed suppression of fact by the appellant with regard to various communications made by the appellant.

4. All these factors have not been disclosed in the writ petition and in fact the appellant by filing an additional affidavit tries to rebut the contention of the MCI and tried to justify his action. However, we find that there are communications available on record issued way back in the year 2001 wherein the West Bengal Council of High Secondary Education categorically said that the so-called mark sheet submitted, showing the appellant to have passed the Higher Secondary Examination in the year 1992 bearing Roll No.412111 and Registration No. 1344 has not been issued by them.

5. Taking note of the detailed counter affidavit filed by the MCI indicating various suppression of facts and alleged forgery committed by the appellant in the matter coupled with the delay of more than 13 years on the part of the appellant in seeking registration which persuaded the writ Court to dismiss the writ petition, we are of the considered view that no indulgence into the matter is called for.

6. The appeal is, accordingly, dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 27, 2018

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