

#46

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.08.2018

CONT.CAS(C) 583/2018

SHUBHRA VERMA BHATNAGAR

..... Petitioner

versus

DR JAYSHREE MEHTA

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rohit Kumar Singh and Mr. Abhimanyu Shrestha, Advocates

For the Respondents : Mr. T. Singhdev and Mr. Tarun Verma, Advocates with Ms. Parul Goel,
Deputy Secretary

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.31290/2018 & CM APPL.31291/2018 (Exemption)

Exemptions granted subject to all just exceptions.

The applications are disposed of accordingly.

CONT.CAS(C) 583/2018

1. The present petition under Article 226 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971 prays as follows:-

“It is therefore most respectfully prayed that this Hon’ble Commission may be pleased to:

- a) Initiate contempt proceedings against the alleged contemnor for intentionally defying the directions issued by this Hon’ble Court vide order dated 11.10.2017 passed by this Hon’ble Court in Writ Petition (Civil) No.2710 of 2016; and
- b) Pass such other and further order(s)/direction(s) as this Hon’ble Commission may deem fit in the interest of justice.”

2. Issue notice.

3. Mr. T. Singhdev, learned counsel appearing on behalf of Medical Council of India, on advance notice, HAS placed on record a communication dated 31.07.2018, addressed to the petitioner herein, whereby the latter has been informed as under:-

“Subject:- Appeal dated 02.07.2014 received from Dr. Dilip Mathur, Noida against order dated 10.06.2014 passed by Delhi Medical Council
&
W.P.(C) 2710/2016 & CM No.11437/2016 in the Hon’ble High Court of Delhi.

Sir,

With regard to the above mentioned subject it is to inform you that the opinions of the Three Expert Members of the Committee (Dr. G.D. Puri, Prof & Head, Department of Anaesthesia, Dr. B.R. Thapa, Prof. & Head, Department of Gastroenterology, and Dr. Yashpal Sharma, Prof. & Head, Department of Cardiology, PGIMER, Chandigarh) as constituted by the Ethics Committee in pursuance of order dated 11.10.2017 of the Hon’ble High Court, in the first instance have now been received in the Council office.

Further as per the order passed by the Hon’ble High Court, the separate opinions of the three experts, is being sent to you with a request to submit your comments/response on

the said opinions within a period of 2 weeks from the date of receipt of the letter.

The comments submitted by you shall be further forwarded to the aforementioned Three Members Expert Committee. Thereafter, the Committee of the above Experts shall convene a meeting wherein an opportunity of personal hearing shall be provided to you in the matter as directed by the Hon'ble High Court. Further the three member Expert Committee shall examine the issues as contained in paragraph 1 of the order dated 11.10.2017 and submit their final report in the Council office.

Yours faithfully,

(Dr. Parul Goel)
Deputy Secretary”

4. A perusal of the above communication dated 31.07.2018 reflects that the MCI is taking necessary steps, in terms of the directions issued by this Court vide order dated 11.10.2017.
5. Learned counsel appearing on behalf of the petitioner states that since they have received a copy of the above said communication, only today, the Court may permit them to submit their comments/response thereto, in terms of the directions of this Court, within a period of three weeks from today.
6. Directed accordingly.
7. Needless to state that the Medical Council of India shall comply with the directions contained in the order dated 11.10.2017, in letter and spirit thereafter and afford an opportunity to the petitioner to be heard in terms thereof.

8. With the above observations, the writ petition is disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

AUGUST 06, 2018
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