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

+ W.P.(C) 12781/2018

DR. SANJAY ARORA Petitioner

Through: Mr Nitesh Jain, Advocate.

versus

DELHI DENTAL COUNCIL AND ANR. Respondents

Through: Mr Vikrant Narayan Vasudeva,
Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.11.2018**

CM No.49644/2018

1. Allowed, subject to all just exceptions

W.P.(C) 12781/2018 & CM No.49643/2018

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue writ, order or directions in the nature of mandamus, certiorari or any other appropriate writ, order or directions for quashing of part 2 of order dated 20.07.2017 and order dated 26.02.18 passed by DDC/Respondent no.1 on the complaint of Respondent No.2 against the petitioner, as being illegal, unjust, arbitrary, bad in law, wholly without jurisdiction and beyond the powers as vested and provided to respondent under the Dentist Act, 1948, and Revised Dentists (Code of Ethics) Regulations, 2014.

(ii) Direct the respondent no.1/DDC not to take any subsequent action against the petitioner on the basis of

the impugned part 2 of the order dated 20.07.17 and order dated 26.02.18.

- (iii) Direct the respondent no.1/DDC in the nature of mandamus to respondent to issue/provide long withheld good standing certificate to petitioner.”

3. The petitioner is, essentially, aggrieved by the impugned order dated 20.07.2017, which was passed by the Delhi Dental Council (hereafter ‘DDC’). The said order was passed pursuant to a complaint filed by one Mr Udit Aggarwal alleging medical/ dental negligence in the treatment provided by the petitioner. Although, DDC rejected the allegations regarding wrong treatment/negligence made by the complainant; DDC accepted the allegation regarding unethical behaviour. DDC found that the petitioner had indulged in unethical practices and his conduct did not measure upto the standards as required for a practising dentist.

4. The petitioner is aggrieved by the said decision and further, assails the same on the ground that he was not afforded a hearing by DDC and, therefore, the said order is unsustainable. The petitioner made a representation against the said order, which was also rejected by the DDC by its order dated 25.07.2017.

5. Aggrieved by the same, the petitioner has filed an appeal before the State Government under Clause 9.8 of the Revised Dentists (Code of Ethics) Regulations, 2014. The said appeal was addressed to the Health Minister, Ministry of Health, Government of NCT. The petitioner has handed over a copy of the said appeal, which indicates that the Minister of Health and Family Welfare had directed the petitioner’s prayer be reviewed.

6. The DDC had once again taken up the matter for reviewing the

impugned order. However, it is alleged that illegal gratification was sought from the petitioner for considering his case favourably. The petitioner had, thereafter, made a complaint in this regard. Pursuant to the said complaint, the Registrar of DDC as well as the advocate representing DDC were arrested and proceedings have been initiated against them.

7. It is apparent that the petitioner's appeal under Clause 9.8 of the said Regulations remains undecided. A perusal of the appeal dated 27.07.2017 addressed to the Health Minister also indicates that the said appeal is sketchy and not comprehensive.

8. In view of the above, this Court considers it apposite to dispose of this petition leaving it open for the petitioner to file a comprehensive appeal under Regulation 9.8 of the said Regulations. It is further directed that if such an appeal is filed within a period of two weeks from today the same would be considered by the concerned Appellate Authority (State Government) as expeditiously as possible and preferably within a period of 12 weeks from filing of the appeal, uninfluenced by the question of delay.

9. The petition is disposed of in the above terms. The pending application is also disposed of.

VIBHU BAKHRU, J

NOVEMBER 29, 2018
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