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

+ W.P.(C) 12385/2018

DR RAMESH JAIN

..... Petitioner

Through: Mr Madhukar Pandey, Mr Damanjit Kaur, Mr Pranesh Misra and Mr Shubham Sharma, Advocates.

versus

DELHI MEDICAL COUNCIL & ANR

..... Respondents

Through: Mr Praveen Khattar with Mr Bapi Das, Advocates for R-1.

Mr T. Singhdev and Mr Tarun Verma, Advocates for R-2/MCI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.11.2018**

CM No.48055/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 12385/2018 & CM No.48054/2018

2. The petitioner has filed the present petition, *inter alia*, impugning the order dated 23.10.2018 passed by the Delhi Medical Council (DMC) directing that the name of the petitioner be removed from the medical register for a period of thirty days.

3. It is seen that the petitioner has already preferred an appeal against the said order before the Medical Council of India (MCI) and, therefore, it would not be apposite to consider the present petition. The learned counsel appearing for the petitioner points out that the said appeal is not likely to be

considered within a short span of time and MCI does not have the power to grant any interim order. He submits that if the impugned order passed by DMC is not stayed, the petitioner's appeal would stand frustrated. He has also referred to several orders that have been passed by this Court to the aforesaid effect in similar cases. (See: ***Dr Prabhunath v. Medical Council of India and Anr.: W.P.(C) 845/2018 decided on 30.01.2018.***)

4. In the aforesaid view, it is directed that the punitive measures imposed by the DMC in terms of the impugned order shall not be implemented till the petitioner's appeal is considered by the MCI and would be subject to any orders that may be passed by the MCI in the said appeal.

5. It is clarified that this Court has not expressed any opinion as to the merits of the controversy raised by the petitioner in this petition.

6. All rights and contentions of the parties are reserved.

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

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 20, 2018

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