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

+ **W.P.(C) 5740/2019**

DR. SAURABH MODA Petitioner

Through: Mr K.G. Sharma, Advocate.

versus

DELHI MEDICAL COUNCIL AND ORS. Respondents

Through: Mr Praveen Khattar, Advocate for R-1.

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

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.05.2019**

CM APPL. 25068/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 5740/2019 and CM APPL. 25067/2019

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 22.04.2019 passed by the Delhi Medical Council (DMC) imposing a punishment of removal of the petitioner's name from the State Medical Register for a period of 30 days. In addition, DMC has also directed the petitioner to undergo 12 hours of C.M.E. (Continuing Medical Education) on the subject of 'Peripheral Vascular Disease' and to submit a compliance report in this regard.

4. Insofar as the direction to undertake 12 hours of C.M.E. is concerned, the petitioner expressly states that he has accepted the said direction and does not challenge the same.

5. The present petition is limited only to the punishment pertaining to removal of the petitioner's name from the State Medical Register for a period of 30 days. The said punishment has been imposed on the petitioner on the ground that he has misrepresented his medical qualifications.

6. It is seen that the petitioner has already preferred an appeal before the Medical Council of India against the said order, which is now pending. It is contended on behalf of the petitioner that the said appeal would be rendered infructuous if the impugned order is implemented.

7. In the given circumstances, this Court is of the view that without going into the merits of the decision of DMC, it would be apposite to stay the implementation of the impugned order till MCI finally decides the petitioner's appeal. It is so directed.

8. It is further directed that in the event DMC has already implemented the order by removing the petitioner's name from the State Medical Register, it shall forthwith restore the same.

9. The petition is disposed of in the aforesaid terms.

10. It is clarified that all rights and contentions of the parties are reserved and nothing stated in the order should be construed as an expression of opinion on the merits of the allegations made against the petitioner or the quantum of punishment imposed on him.

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

MAY 24, 2019
RK

VIBHU BAKHRU, J