

\$~6

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

+ **W.P.(C) 7458/2014 & CM APPL. 4607/2015**

S.K. THAKUR

..... Petitioner

Through Mr A.K. Thakur, Mr R.K. Mishra,
Mr Rishi Raj, Ms Kavita Singh, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr Manish Mohan, CGSC with
Ms Manisha Saroha, Advocates for R1.
Mr T.Singhdev, Mr Tarun Verma,
Ms Biakthansangi Das, Ms Puja Sarkar, Advocates
for R2/MCI.
Mr Partha Sil, Advocate for R5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

30.04.2019

1. The petitioner has filed the present petition impugning a communication dated 15.05.2014 sent by the Medical Council of India (hereafter 'MCI'), informing the petitioner that the Ethics Committee of MCI had rejected the petitioner's complaint against respondent no.5 (Dr Suresh Ramasubban). The operative part of the minutes of the meeting of the Ethics Committee held on 28/29.06.2013 is quoted in the said communication and the petitioner was informed that the recommendation of the Ethics Committee was approved by the Executive Committee of MCI in its meetings held on 16.04.2014.

2. A plain reading of the operative part of the decision of the Ethics Committee as quoted in the said order does not indicate any reason for rejection of the petitioner's complaint. In the aforesaid view, the MCI was directed to produce the minutes of the meetings of the Ethics Committee held on 28/29.06.2013, which were confirmed on 04.01.2014. A perusal of the operative part of the minutes, as mentioned in the communication, indicates that the extract set out in the impugned communication dated 15.05.2014 is the complete reproduction of the minutes pertaining to the complaint of the petitioner.

3. In view of the above, there is merit in the petitioner's contention that the decision to reject his complaint is unreasoned.

4. In view of the above the petition is allowed and the impugned order is set aside. The MCI is directed to consider the petitioner's complaint afresh and pass a speaking order as expeditiously as possible and preferably within a period of six months from today.

5. The pending application stands disposed of.

6. No order as to costs.

VIBHU BAKHRU, J

APRIL 30, 2019

pkv