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

Date of Decision: 02.09.2019

+ W.P.(C) 12851/2018

ANKIT GUPTA

..... Petitioner

Through: Petitioner in person

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel for NDMC with Ms. Swagata Bhuyan,
Adv. for R-1 to R-3
Mr. T. Singhdev with Mr. Abhijit Chakravarty,
Advs. for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This so called Public Interest Litigation has been preferred with the following prayers:

“(i) issue an appropriate writ/direction, directing the respondents to appoint a competent Medical Superintendent of the Hospital.

(ii) issue an appropriate writ/direction, directing the respondents to fulfil all the norms and fulfil all the rules prescribed by the MCI/respondent no. 4 for obtaining the permanent recognition.

(iii) issue an appropriate writ/direction, directing the respondent no.4 to again inspect the college for the purpose of recognition.

(iv) issue an appropriate writ/direction, directing the respondents to remove the Chief Accountant-cum-Financial Adviser from the post of Chairman of Medical College and any other department of MCD.

(v) issue an appropriate writ/direction, directing the respondents to appoint the permanent faculty of the college as per the norms of MCI.

(vi) appoint any Hon'ble retired judge to monitor the whole process; and

(vii) pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Having heard the petitioner in person and counsel for the respondents, it appears that several grievances have been ventilated by this petitioner about the appointment of a competent Medical Superintendent at Hindu Rao Hospital, regarding the permanent recognition of the North Delhi Municipal Corporation Medical College, Delhi and also regarding the removal of the Chief Accountant-cum-Financial Adviser etc.

3. Having heard the petitioner in person and the counsel for the respondents and looking into the affidavit filed by respondents No.1 to 3, as well as counter affidavit filed by respondent No.4, it appears that the Medical Council of India had recommended the recognition of North Delhi Municipal Corporation Medical College and such recognition has duly been granted by the Central Government *vide* notification dated 12th December, 2018, (annexed at page 185 of the counter affidavit filed by respondent No.4).

4. Moreover, there have been more than one inspections by the Medical

Council of India and the deficiencies, which were pointed out by the Medical Council of India, have already been fulfilled and the Medical Council of India have rendered these aspects in detail in the counter affidavit filed by them. It also appears from the facts that well qualified employees have been employed in the North Delhi Municipal Corporation Medical College, Delhi. The respondents further submitted that there are two Medical Superintendents appointed; one for Hindu Rao Hospital and another for Medical College, which is permissible, as per the rules and regulations. It also appears from the facts of the case that Additional Commissioner of Health has been appointed as a Chairman of the Medical College. It is purely an administrative post. There is no bar to such a appointment.

5. It further appears from the facts of the case that at page 28, this petitioner has mentioned some office notings, but nothing has been submitted as to how those notings have been obtained by this petitioner. Thus, it appears that this is not a public interest litigation at all and without any homework or any exact allegations or annexures to that effect, this writ petition has been preferred half-heartedly. It ought to be kept in mind by the petitioner who is appearing in person that before filing a public interest litigation, some homework has to be done. The documents, which are referred to in page 58 of the memo to this writ petition, are about office notings and these documents were obtained without authority of law and hence, cannot be looked into.

6. Looking into the counter affidavit filed by respondents No.1 to 3 and counter affidavit filed by respondent No.4, we find no reason to entertain this writ petition, much less, as a public interest litigation. Hence, this writ petition is hereby dismissed.

CM APPLs. 39494/2018, 38495/2019 & 39277/2019

7. In view of the order passed in W.P.(C) 12851/2018, these applications stand disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 02, 2019
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