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

+ W.P.(C) 904/2020

RITU VERMA

..... Petitioner

Through Mr.Ganesh Sharma, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr.Nirvikar Verma and Mr.Om
Prakash Verma, Advs.for R-1.
Mr.T.Singhdev, Mr.Tarun Verma,
Ms.Sumangla Swami and Mr.Abhijit
Chakravarty, Advs. for R-2.
Mr.Amrit Paul and Ms.Pooja Tandon,
Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.01.2020

This petition has been filed praying for a direction to the respondent no.2, Medical Council of India, to decide on the appeal dated 30.11.2018 of the petitioner in a time bound manner.

The learned counsel for the respondent no.2, who appears on advance notice, submits that in terms of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 (hereinafter referred to as 'Regulations'), the complaint is to be first decided by the concerned State Medical Council and against their decision, an appeal lies before the respondent no.2. Placing reliance on the letter dated 30.10.2017 from the respondent no.3, he submits that the respondent no.3 did not take a decision

on the Report of Inquiry received from PGIMS, Rohtak and instead, on an application of the petitioner for conducting re-inquiry, forwarded the same to the respondent no.2. As no decision was taken by the respondent no.3 on the complaint, the respondent no.2 by its letters dated 09.05.2018 and 20.09.2019 remanded the matter back to the respondent no.3 for a decision. He further submits that though in terms of Clause 8.7 of the Regulations, the respondent no.2 can take up such inquiry on its own, as this may prejudice the case of one or the other party, a decision was taken to first get the opinion of the respondent no.3 on the complaint of the petitioner.

I find that this is a case where the petitioner has been made to shuttle between the respondent no.2 and 3 without any fault. The petitioner being a complainant cannot be visited with such attitude.

In view of the above, the respondent no.3 is directed to formally take a decision on the complaint of the petitioner after granting an opportunity of hearing to the concerned parties and communicate its decision to the petitioner within a period of four weeks from today. If aggrieved, it would be open to the petitioner to avail her remedy as available in law.

The petition is disposed of in the above terms, with no order as to cost.

NAVIN CHAWLA, J

JANUARY 24, 2020/Arya