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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2213/2020**

DR. BHAVNA ANAND Petitioner
Through: Ms.Ira Gupta, Adv.

versus

DELHI MEDICAL COUNCIL AND ANR. Respondents
Through: Mr.Praveen Khattar, Adv. for R-1
alongwith Mr.L.D.S. Uppal, Asstt,
Secy.
Mr.T.Singhdev, Mr.Abhijhit
Chakravarty, Ms.Sumangla Swami
and Ms.Michelle B. Das. Advs. for R-
2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
ORDER
% **26.02.2020**

CM No.7743/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 2213/2020 & CM No.7742/2020 (Stay)

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 27.01.2020, passed by the respondent no.1, Delhi Medical Council (DMC), *inter alia*, directing that the name of the petitioner be removed from the State Medical Register for a period of thirty days.
2. It is seen that the petitioner has already preferred an appeal bearing no.491/2020 dated 13.02.2020 against the said order before the Medical Council of India (MCI) (which is pending adjudication) and, therefore, it

would not be apposite to consider the present petition.

3. 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 vs. Medical Council of India and Anr., WP(C) No.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 as well as pending application is disposed of in the above terms.

Dasti under the signature of the Court Master.

NAVIN CHAWLA, J

FEBRUARY 26, 2020/Arya