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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 793/2021 & CM APPL. 1449/2024, CM APPL.**
6937/2024

**INDIAN ASSOCIATION OF CLINICAL
CARDIOLOGISTS**

..... Petitioner

Through: Mr. Amit Kumar, Sr. Adv. with Mr.
A. S. Pujari, Mr. Zeeshan Thomas,
Mr. Pallav Chatterjee & Mr.
Siddharth Kaushal, Advs.
M: 9811611205

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. S. Sachdeva, GP & Mr. Chandar
Kumar, under secretary, MOHFA
M: 9811418995

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Date of Decision: 05th February, 2024

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

1. The present contempt petition has been filed seeking initiation of contempt proceedings against the respondent for willful disobedience of directions contained in judgment dated 17th September, 2019 passed in *W.P.(C) No. 11819/2016*, whereby the respondent - Union of India was directed to consider afresh the application of the Indira Gandhi National Open University ("IGNOU") for grant of recognition to the Post-Graduate



Diploma in Clinical Cardiology (“PGDCC”) qualification awarded by it under Section 11(2) of the Indian Medical Council (“IMC”) Act.

2. It is submitted that the petitioner is an association of Clinical Cardiologists, which is registered society of Doctors across the country holding Bachelor of Medicine and Bachelor of Surgery (“MBBS”) qualifications in addition to the PGDCC conferred by the IGNOU.

3. It is submitted that the petitioner had earlier preferred the aforesaid writ petition seeking directions to the Union of India to recognize the Post Graduate Diploma in Clinical Cardiology (“PGDCC”) granted by IGNOU, as a recognized medical qualification for the purposes of Section 11(2) Indian Medical Council Act, 1956.

4. Learned Senior Counsel appearing for the petitioner submits that by judgment dated 17th September, 2019, the aforesaid writ petition of the petitioner was disposed of by clearly holding that IGNOU was not required at the time of commencing the PGDCC course to obtain the previous permission of the Central Government under Section 10(A) of the IMC Act.

5. Thus, it is submitted that the application of the petitioner had to be considered by the Central Government without taking into account the requirement of prior permission of the Central Government.

6. Learned Senior Counsel for the petitioner relies upon the following paragraphs of the aforesaid judgment:

“xxx xxx xxx

61. In view thereof, the IGNOU was not required, at the time of commencing the PGDCC course, to obtain the previous permission of the Central Government, under Section 10A of the IMC Act.



xxx xxx xxx

63. *The objection, of the MCI, to the IGNOU having commenced the PGDCC course, without obtaining the previous permission of the Central Government is, accordingly, rejected as, if this stand is accepted, the words “which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification”, figuring in Section 10A(1)(b)(i), would stand reduced to a redundancy. It is trite, however, that the legislature is presumed not to indulge in surplusage and, as expressed in **Union of India. v. Brigadier P. S. Gill, (2012) 4 SCC 463**, “one of the salutary rules of interpretation is that the legislature does not waste words”. The words “which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification” have, therefore, to be accorded meaning, purpose and, most importantly, effect. At the cost of repetition, I may clarify that, in my view, according of effect to these words would necessarily entail limiting the applicability, of Section 10A(1)(b)(i) of the IMC Act, to the cases in which a new, or higher course of study, results in the award of the recognised medical qualification. In such cases, the medical college concerned would be prohibited from opening – i.e., from starting or commencing – the new or higher course of study, without obtaining the previous permission of the Central Government. Where, however, the qualification, which would result from pursuing of a new, or higher course of study, is not “recognised”, on that date, the medical college would be perfectly within its rights in commencing the course of study without obtaining a priori permission of the Central Government.*

xxx xxx xxx

80. *Resultantly, the decision of the respondents, not to consider the application, of the IGNOU, for recognition of the PGDCC qualification, awarded by it, on the ground that, before commencing the PGDCC course, the IGNOU had not obtained prior permission of the Central Government, under Section 10A of the IMC Act, therefore, cannot sustain statutory scrutiny and is, accordingly, quashed.*



xxx xxx xxx”

7. Learned Senior Counsel for the petitioner further submits that the Central Government has now again rejected the application of the petitioner on the same ground, that prior permission of the Central Government has not been taken. Thus, it is submitted that the aforesaid action of the respondent is a clear violation of the judgment dated 17th September, 2019 passed by this Court.

8. He submits that no similar ground could have been taken by the respondent as this Court has given a clear finding which has attained finality that there was no requirement by the IGNOU for taking any prior permission of the Central Government before starting the aforesaid Post-Graduate Diploma in Clinical Cardiology.

9. Learned Senior Counsel for the petitioner relies upon the judgment in the case of ***Bihar State Government Secondary School Teacher Association Versus Ashok Kumar Sinha and Others, reported as (2014) 7 SCC 416***. He relies upon the following paragraphs of the judgments which read as under:

xxx xxx xxx

24. At the outset, we may observe that we are conscious of the limits within which we can undertake the scrutiny of the steps taken by the respondents, in these contempt proceedings. The Court is supposed to adopt cautionary approach which would mean that if there is a substantial compliance with the directions given in the judgment, this Court is not supposed to go into the nitty-gritty of the various measures taken by the respondents. It is also correct that only if there is willful and contumacious disobedience of the orders, that the Court would take cognizance. Even when there are two equally consistent possibilities open to the Court, case of contempt is not made out. At the same time, it is permissible for the Court to examine as to whether the steps taken to purportedly comply with the directions of the



judgment are in furtherance of its compliance or they tend to defeat the very purpose for which the directions were issued. We can certainly go into the issue as to whether the Government took certain steps in order to implement the directions of this Court and thereafter withdrew those measures and whether it amounts to non-implementation. Limited inquiry from the aforesaid perspective, into the provisions of the 2014 Rules can also be undertaken to find out as to whether those provisions amount to nullifying the effect of the very merger of BSES with BES. As all these aspects have a direct correlation with the issue as to whether the directions are implemented or not. We are, thus, of the opinion that this Court can indulge in this limited scrutiny as to whether provisions made in the 2014 Rules frustrate the effect of the judgment and attempt is to achieve those results which were the arguments raised by the respondents at the time of hearing of CAs Nos. 8226-27 of 2012 but rejected by this Court. To put it otherwise, we can certainly examine as to whether the 2014 Rules are made to implement the judgment or these Rules in effect nullify the result of merger of the two cadres.

xxx xxx xxx

37. Lest we may be misunderstood, we make it clear that it is the prerogative of the Government to frame service rules in one or the other manner. In case provisions contained in those Rules offend the rights of any of the employees, they have an independent right to challenge the same which can be judicially scrutinized by the courts, applying the settled principles of judicial review. However, if such an exercise is undertaken on the premise that it is done to comply with the directions contained in the judgment and the court finds that, ex facie, it is not so and on the contrary offends the directions in the judgment, such a move cannot be countenanced.

xxx xxx xxx”

10. By reference to the aforesaid judgment, it is submitted that this Court under contempt jurisdiction has every authority to consider not only that substantial compliance of the directions have been done by the concerned parties, but this Court can also examine as to whether the steps which have been taken by the concerned parties for the purpose of compliance of the judgment in question, have actually been taken.



11. Thus, it is submitted that since in the present case, the various orders passed by the respondent are contrary to the judgment dated 17th September, 2019, therefore the case of the petitioner is covered by the aforesaid judgment of the Supreme Court.

12. It is further submitted that the respondent has granted recognition to similar Diploma courses, however, discriminatory treatment is being meted out to the petitioner, as the Diploma course in question, is not being recognized by the respondent.

13. Per contra, learned Standing Counsel appearing for the Union of India draws the attention of this Court to paragraph 81 of the aforesaid judgment dated 17th September, 2019 to submit that the Central Government was required to consider the application of the petitioner afresh.

14. It is further submitted that the Central Government was required to consider the application of the petitioner on its own merits after taking consultation from the erstwhile Medical Council of India (“MCI”) as well as the newly constituted body, i.e., the National Medical Commission (“NMC”).

15. It is submitted that in the present case, various decisions had been taken by the Central Government in consultation with MCI, NMC as well as by an Independent Committee. Thus, he submits that an Expert Committee has taken a decision in the present case.

16. He further submits that there are various grounds on the basis of which the application of the petitioner has been rejected, thus, it is submitted that the issue with respect to prior approval of the Central Government is not the only issue that was considered by the respondent.

17. I have heard learned counsel for the parties and have perused the



record.

18. At the outset it would be material to refer to the compliance affidavit dated 06th February, 2023 filed by the Central Government which reads as under:

“xxx xxx xxx

5. It is submitted that the Post Graduate Diploma in Clinical Cardiology (PGDCC) was started in 2006 by IGNOU and was offered in 7 Medical Colleges including Govt. Medical Colleges & 50+ highly reputed tertiary care DNB Accredited Hospitals across the country which were simultaneously running DM/DNB Cardiology PG programmes under the guidance of more than 400 Academic Councilors/Professors of Cardiology, who were also Guides for DM/DNB Cardiology Doctors and after running 10 batches, the course has been stopped since 2015, with last batch being enrolled in 2013.

6. It is submitted that IGNOU had applied to MCI twice for recognition, in October 2010 and January 2012, but MCI rejected the application on the pretext that Post Graduate Diploma in Clinical Cardiology is not covered under the nomenclatures under PGMER 2000 & Prior permission of MCI was not obtained by IGNOU before starting the PGDCC course under Section 10-A of the IMC Act, 1956.

7. It is submitted that the IACC (Indian Association of Clinical Cardiologists) filed a case against the 'Rejection by the MCI, in the Delhi High Court in 2016 requesting the Ministry to accord recognition to PGDCC qualification. The Hon'ble Court directed vide its order dated 17.09.2019:

"The respondents, i.e. the Central Government and the IGNOU - are directed to consider, afresh, the application, of the IGNOU, for grant of recognition to the PGDCC qualification, awarded by it, under Section 11 (2) of the IMC Act. This Court has not expressed any opinion on the merits of the said application, or on whether the PGDCC qualification deserves, or does not deserve, to be recognized under Section 11(2). That decision would have to be taken by the Central Government, after consulting the MCI, on its own merits. Needless to say, the pre-eminent consideration, while examining the application of the IGNOU, would have to be fostering of excellence in medical education, aimed at bringing, into the world, medical professionals, were able to render the optimum service to the public, in the best interest of society."



8. It is submitted that subsequent to the above directions of the Court, BoG-MCI vide letter dated 03.02.2020 recommended the following on various points related to PGDCC programme offered by IGNOU:

i. The said course was not included in the schedule to the PGMER, 2000.

ii. The mandatory inspection of examination required to be conducted at the time of passing out of first batch or even subsequent batches admitted in the course had never been applied by the IGNOU through the Central Govt. thus the MCI cannot satisfy itself as to the fulfillment of the adequacy of the standards of medical education.

iii. The PGDCC by IGNOU had been imparted in hospitals that did not conform to the requirement of regulation 8 of the PGMER.

iv. The PGDCC of IGNOU did not in any way foster excellence in medical education since it provides a wrong impression about specialization In Cardiology to general public while it did not meet standard requirements of recognition of a postgraduate qualification by BoG/MCI.

A copy of the letter dated 03/02/2020 is annexed herewith and marked as Annexure R-1

9. It is submitted that after constitution of the National Medical Commission in 2019, the views of NMC in the matter were sought. In response NMC vide letter dated 03.06.2021 informed that the National Medical Commission in its meeting held on 16.03.2021 had considered the issue along with all relevant documents pertaining to the matter and the Members of the National Medical Commission, after detailed discussion / deliberation, unanimously accepted the reasons put forth by erstwhile BOG-MCI for not recommending recognition of the said course of IGNOU, which is not a medical college and further unanimously resolved that the PGDCC qualification awarded by IGNOU from 2006 to 2013 cannot be recognized. A copy of the Letter dated 03.06.2021 is annexed herewith and marked as Annexure R-2.

10. It is submitted that to examine the matter, an Independent Committee of experts under the Chairmanship of Dr. B. D. Athani, DGHS (Retd.) was constituted with the approval of the then Hon'ble (HFM) vide Order dated 01.07.2021. Further, the independent committee was re-constituted, with the approval of Hon'ble HFM, vide Order dated 16.11.2021 under the Chairmanship of Dr. Rajiv Garg,



Former DGHS with the following composition:

- i. Joint Secretary (Medical Education), Government of India.*
- ii. Dr. Sandeep Bansal, Professor and Head, Department of Cardiology, SarfarjungHopital, New Delhi.*
- iii. Major General (Professor) Dr. Atul Kotwal (Retd.), Executive Director, National Health Systems Resource Centre, New Delhi.*
- iv. Representative of Department of Higher Education, Ministry of Education, Government of India.*

*A copy of the Order dated 01.07.2021 is annexed herewith and marked as **Annexure R-3** and Order dated 16.11.2021 is annexed herewith and marked as **Annexure R-4**.*

11. It is submitted that the matter again came up for hearing in the Hon'ble High Court of Delhi on 17.02.2022 in Contempt Case (Civil) No. 793/2021, wherein the Hon 'ble Court directed as under:

"Looking into the long pendency of the case, it would be expected of the Committee to take a decision within a period of six weeks. The decision of the Union of India, whether or not to accept the recommendation will be taken in two weeks thereafter and shall be communicated to the petitioner within nine weeks from today. "

12. It is submitted that the Independent committee constituted in the matter submitted its report on 22.04.2022 and recommended the following:-

- **The PGDCC course started by IGNOU did not have mandatory approvals from regulatory bodies at the beginning of the course.***
- **The Course content and the curriculum of PGDCC course is not upto the mark to be considered eligible for skills to be acquired for a Super Specialty Course.***
- **Most of the Institutes with which the MoU has been undertaken with IGNOU do not have the mandatory requirements as per MSRs of MCI/NMC/NBE and it seems prior inspection have not been undertaken by IGNOU authorities before enrolling these institutes as Programme Study Centres.***
- **It has also been observed that most of the lectures that PGDCC candidates attended were along with DNB SS courses which could not have been comprehended by graduate students as the mandatory requirement for***



Super Speciality Course is PG Degree. Hence, proper justice cannot be made for their training purposes.

• There was no thesis or research project done by these candidates unlike the Minimum eligibility criteria for study of Super Speciality course. Also, the candidate as per NMC/MCI norms should have a PG Degree in General Medicine, Respiratory Medicine or Paediatrics for pursuing Super Speciality course like Cardiology which none of the PGDCC candidates possessed at time of joining and hence would not have the minimum clinical skills to undergo most of the training.

• The PGDCC programme is based on guest lecturers while any programme recognized by NMC/NBE should have permanent faculty.

• Minimum standard requirements in terms of Faculty, Bed Strength, Bed Occupancy etc. required for undergoing any clinical course was not present for PGDCC course.

• The Independent committee, in view of the above conclusions, has recommended that the PGDCC courses conducted by IGNOU cannot be given a formal recognition as per the existing rules of the regulatory bodies.

13. It is submitted that to resolve the issue, meetings were held under the Chairmanship of Additional Secretary, MoHFW on 20/07/2022 and 05/08/2022 with the representatives of Indira Gandhi National Open University, Indian Association of Clinical Cardiologists (IACC), National Medical Commission (NMC) and Members of Independent Committee. During the meeting following two options were given to representatives of IACC:

(i) Being recognized as "Assistant to Cardiologists"

or

(ii) Successfully qualify the requisite examination for their Certificates to be recognized.

However, representatives of IACC did not agree on both the options given by the Ministry.

xxx xxx xxx"

(Emphasis Supplied)

19. Perusal of the aforesaid affidavit, clearly shows that besides the ground that the PGDCC course started by IGNOU did not have the



mandatory approvals from Regulatory Bodies at the beginning of the course, there are various other grounds which have been taken by the respondent, including the Independent Committee constituted by the Central Government, which in its Report dated 22nd April, 2022 has clearly highlighted that the course content and the curriculum of PGDCC course is not up to the mark to be considered eligible for skills to be acquired for a Super Specialty Course.

20. It has further been stated in the report of the Independent Committee constituted by the Central Government that most of the lectures that PGDCC candidates attended, were along with the DNB SS courses, which could not have been comprehended by graduate students as the mandatory requirement for Super Specialty Course in PG Degree.

21. This Court further notes that it has categorically been highlighted that no thesis or research project was done by these candidates, unlike the minimum eligibility criteria for study of Super Specialty Courses.

22. Thus, the contentions made by the petitioner, that the Central Government has rejected the application of the petitioner again on the ground that prior permission of the Central Government was not taken, cannot be accepted.

23. This Court also notes that by its letter dated 23rd January, 2023 issued by the Ministry of Health and Family Welfare, Government of India, the representation of the petitioner was rejected in the following manner:

“xxx xxx xxx

5. Subsequent to the above directions of the Court, Board of Governors in supersession of the MCI (BoG-MCI) re-examined the matter and recommended vide letter dated 03/02/2020 that the said programme could not be recommended for inclusion in the First Schedule of the IMC Act, 1956 for batches admitted from 2006 to



2013 on following grounds:

- i. PGDCC by IGNOU was not included in the schedule to the PGMER 2000.
- ii. The mandatory inspection of examination required to be conducted at the time of passing out of first batch or even subsequent batches admitted in the course had never been applied by the IGNOU through the Central Govt. Thus the MCI cannot satisfy itself as to the fulfillment of the adequacy of the standards of medical education.
- iii. The course had been imparted in hospitals that did not conform to the requirement of regulation 8 of the PGMER.
- iv. The course did not in any way foster excellence in medical education since it provides a wrong impression about specialization in Cardiology to general public while it did not meet standard requirements of recognition of a postgraduate qualification by BoG/MCI.

6. After constitution of the National Medical Commission in 2019, the views of NMC in the matter were sought. In response NMC vide letter dated 03.06.2021 informed that the National Medical Commission in its meeting held on 16.03.2021 had considered the issue along with all relevant documents pertaining to the matter and the Members of the National Medical Commission, after detailed discussion/deliberation, unanimously accepted the reasons put forth by erstwhile BoG-MCI for not recommending recognition of the said course of IGNOU, which is not a medical college and further unanimously resolved that the PGDCC qualification awarded by IGNOU from 2006 to 2013 cannot be recognized.

7. To examine the matter, an Independent Committee of experts under the Chairmanship of Dr. B.D. Athani, DGHS (Retd.) was constituted with the approval of the then Hon'ble HFM vide order dated 01.07.2021. Further, the Independent Committee was re-constituted, with the approval of Hon'ble HFM, vide order dated 16.11.2021 under the chairmanship of Dr. Rajiv Garg, Former DGHS with the following composition:-

- i. Joint Secretary (Medical Education), Government of India.
- ii. Dr. Sandeep Bansal, Professor & Head, Department of Cardiology Safdarjung Hospital, New Delhi.
- iii. Major General (Professor) Dr. Atul Kotwal (Retd.), Executive Director, National Health System Resource Centre, New Delhi.
- iv. Representative of Department of Higher Education, Ministry



of Education, Government of India.

xxx xxx xxx

9. The Independent committee constituted in the matter submitted its report on 22.04.2022 and recommended that the PGDCC course cannot be given formal recognition as per the existing rules with the following observations:-

- The PDGCC course started by IGNOU did not have mandatory approvals from regulatory bodies at the beginning of the course.
- The Course content and the curriculum of PGDCC course is not upto the mark to be considered eligible for skills to be acquired for a Super Specialist Course.
- Most of the Institute with which the MoU has been undertaken with IGNOU do not have the mandatory requirements as per MSRs of MCI/NMC/NBE and it seems prior inspection have not been undertaken by IGNOU authorities before enrolling these institutes as Programme Study Centres.
- It has also been observed that most of the lectures that PGDCC candidates attended were along with DNB SS courses which could not have been comprehended by graduate students as the mandatory requirement for Super Specialist Course is PG Degree. Hence, proper justice cannot be made for their training purposes.
- There was no thesis or research project done by these candidates unlike the Minimum eligibility criteria for study of Super Specialty course. Also, the candidate as per NMC/MCI norms should have a PG Degree in General Medicine, Respiratory Medicine or Pediatrics for pursuing Super Specialty course like Cardiology which none of the PGDCC candidates possessed at time of joining and hence would not have the minimum clinical skills to undergo most of the training.
- The PGDCC programme is based on guest lecturers while any programme recognized by NMC/NBE should have permanent faculty.
- Minimum standard requirements in terms of Faculty, Bed Strength, Bed Occupancy etc. required for undergoing any clinical course was not present for PGDCC course.
- The Independent committee, in view of the above conclusions, has recommended that the PGDCC courses



conducted by IGNOU cannot be given a formal recognition as per the existing rules of the regulatory bodies.

10. To resolve the issue, meetings were held under the Chairmanship of Additional Secretary, MoHFW on 20/07/2022 and 05/08/2022 with the representatives of Indira Gandhi National Open University, Indian Association of Clinical Cardiologists (IACC), National Medical Commission (NMC) and Members of Independent Committee. During the meeting following two options were given to representatives of IACC:

- (i) Being recognized as “Assistant to Cardiologists” or
- (ii) Successfully qualify the requisite examination for their Certificates to be recognized.

However, representatives of IACC did not agree on both the options given by the Ministry.

11. In view of the above, the Ministry accepts the recommendations of the MCI as well as BoG-MCI, NMC as well as the Independent Committee that the PGDCC courses conducted by IGNOU cannot be given any formal recognition.

xxx xxx xxx”

(Emphasis Supplied)

24. Perusal of aforesaid, clearly shows that the decision taken by the Central Government is on the basis of expert advice and consultation with the IMC and the NMC and on the basis of recommendations of the Independent Committee constituted by the respondents under the Chairmanship of Director General of Health Services (Retired), Government of India.

25. This court also notes that by Email dated 19th January, 2024, Central Government has categorically stated that there is no change in the decision conveyed by this Ministry. The Email dated 19th January, 2024 written by the Central Government is reproduced as under:

“CHANDAN KUMAR chandankumar.edu@nic.in Fri, 19 Jan at 1:17 PM



To: <shivam.sachdeva1298@gmail.com>
Cc: <anuragcgsc@gmail.com>, Manish Kumar Mishra so.me1secn-mohfw@gov.in

Sir,

Reference trailing mail.

With regard to the Cont. Cas(C)793/2021 titled 'Indian Association of Clinical Cardiologists v. Union of India' before the Hon'ble High Court of Delhi, it is submitted that Further, in compliance of Hon'ble High Court order dated 10.01.2023 in the matter, this Ministry issued a speaking order on 23.01.2023 conveying that the PGDCC course cannot be accorded retrospective recognition keeping in considerations of the BoG-MCI, NMC and the recommendation of the Independent Committee. The same has also been filed in Hon'ble Court.

Further, as per telephonic discussion, it is also informed that there is no change in decision conveyed by this Ministry vide order dated 23.01.2023 in the matter.

*(Chandan Kumar)
Under Secretary (ME-I & II)
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi
Tel. No. 23061342"*

26. In view of the aforesaid, it is clear that it has been the consistent stand of the Central Government that the course of the PGDCC by IGNOU cannot be granted any recognition. Further, by the Email dated 19th January, 2024 the Ministry has categorically stated that there is no change in its decision taken earlier. Therefore, the contention raised by learned Senior Counsel for the petitioner that the Ministry may reconsider the case of the petitioner, cannot be accepted.

27. This Court also notes that by the judgment dated 17th September, 2019, categorical directions had been given by this court to the Central Government to consider the application of the IGNOU afresh. It had further



been categorically recorded that the court had not expressed any opinion on the merits of the application and the Central Government was required to make its independent decision after consulting the MCI. Thus, by judgment dated 17th September, 2019 in *W.P.(C) No. 11819/2016*, it had been held as follows:

“xxx xxx xxx

81. The respondents, i.e. the Central Government and the IGNOU – are directed to consider, afresh, the application, of the IGNOU, for grant of recognition to the PGDCC qualification, awarded by it under Section 11(2) of the IMC Act. This Court has not expressed any opinion on the merits of the said application, or on whether the PGDCC qualification deserves, or does not deserve, to be recognized under Section 11(2). That decision would have to be taken by the Central Government, after consulting the MCI, on its own merits. Needless to say, the pre-eminent consideration, while examining the application of the IGNOU, would have to be fostering of excellence in medical education, aimed at bringing, into the world, medical professionals, were able to render the optimum service to the public, in the best interests of society.

xxx xxx xxx”

28. Therefore, it is clear that the Central Government has undertaken an independent exercise in consultation with the expert bodies at the time of deciding the representation of the petitioner. Therefore, this Court is of the view that substantive compliance has been done by the Central Government in deciding the representation of the petitioner in terms of the directions as given in judgment dated 17th September, 2019.

29. It is pertinent to note that in contempt proceedings, this court will not issue any incidental or additional directions which are not included in the original judgment.

30. Thus, Supreme Court in the case of ***V. Senthur and Another Versus M. Vijayakumar, IAS, Secretary, Tamil Nadu Public Service Commission***



and Another reported as **2021 SCC OnLine SC 846** has held as follows:

“xxx xxx xxx

15. There can be no quarrel with the proposition that in a contempt jurisdiction, the court will not travel beyond the original judgment and direction; neither would it be permissible for the court to issue any supplementary or incidental directions, which are not to be found in the original judgment and order. The court is only concerned with the wilful or deliberate non-compliance of the directions issued in the original judgment and order.

xxx xxx xxx”

(Emphasis Supplied)

31. Similarly, Supreme Court in the case of ***Sudhir Vasudeva, Chairman and Managing Director, OIL and Natural Gas Corporation Limited and Others Versus M. George Ravishekar*** reported as **(2014) 3 SCC 373** has held that the court must not travel beyond the four corners of the order, which is alleged to have been flouted and not enter into questions that have not been dealt with. Thus, it has been held as follows:

“xxx xxx xxx

19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. **The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or**



appeal is not trenching upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly [(2002) 5 SCC 352 : 2002 SCC (L&S) 703] , V.M. Manohar Prasad v. N. Ratnam Raju [(2004) 13 SCC 610 : 2006 SCC (L&S) 907] , Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami [(2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [(2006) 1 SCC 613].

xxx xxx xxx”

(Emphasis Supplied)

32. Therefore, once a substantive compliance has been done by the Central Government, no further orders are required to be passed in the present petition.

33. However, liberty is granted to the petitioner that in case they are aggrieved by any decision taken by the Central Government, they can initiate appropriate proceedings in accordance with law.

34. It is further clarified that the observations made in the present order, are only for the purposes of disposing of the present contempt petition and this Court has not adjudicated or made any comments on the merits of the case of the petitioner with respect to their entitlement for any recognition of the PGDCC qualification courses.

35. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

FEBRUARY 5, 2024/kr