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

+ **W.P.(C) 9742/2024**

RAHUL BHARDWAJ

.....Petitioner

Through: Petitioner in person

versus

DELHI MEDICAL COUNCIL AND ANRRespondents

Through: Mr. Praveen Khattar, Advocate for R-1.

Mr. Nishit Kush, Mr. Siddharth Sikri,
Mr. Mercy Hussain, Ms. Kirti Singh,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.07.2024**

1. The Petitioner, Mr. Rahul Bhardwaj, a practising Advocate, has filed the present petition raising concerns about the medical treatment being given by the Respondent No. 2 at his clinic. Accordingly, he seeks directions for Respondent No. 1 to take appropriate steps to investigate and address the same.

2. The Petitioner states that on 30th March, 2024, he visited the hospital of Respondent No. 2 for consultation in relation to hypertension. During this visit, he was shocked to observe that Respondent No. 2, on account of his physical and mental condition, was unable to attend to the patients himself. Rather, it was his assistant staff, and not Respondent No. 2 himself, who were advising and consulting the Petitioner and other patients, and even

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prescribing medication for their ailments. The Petitioner submits that the medication prescribed to him by the staff of Respondent No.2 was of a heavy dose, and when he consulted another cardiologist, he was prescribed only two medicines in place of the seven prescribed by Respondent No. 2's clinic.

3. The Petitioner has issued a legal notice dated 9th April, 2024 to Respondent No.2. In his response dated 18th April, 2024 to the said notices, Respondent No. 2 has stated that he is under stress and not in a position to continue medical practice. Further, Respondent No. 2 has stated that he is not keeping well and only occasionally attends to patients with assistance of other specialised doctors. In such circumstances, the Petitioner filed complaint dated 25th April, 2024 calling upon Respondent No. 1 to intervene, however, no action has been taken till date.

4. Mr. Praveen Khattar, counsel for Respondent No. 1, states that they have taken note of the Petitioner's concerns. They have initiated an enquiry in terms of Section 21 of the Delhi Medical Council Act, 1997 and called upon Respondent No. 2 to put forth his response. Mr. Khattar further states that Respondent No. 1 has also nominated an expert who will be co-opted in the Disciplinary Committee which will carry out the enquiry.

5. The Petitioner has prayed for a *mandamus* to Respondent No. 1 to initiate appropriate legal action, which has already been commenced. Thus, the Court is of the opinion that no further directions are necessary. It is expected that the Respondent No. 1 shall carry out the enquiry and conclude the same expeditiously.

6. It is made clear that the Petitioner, if he so desires, shall also be at liberty to initiate actions against Respondent No. 2 on the principles of tort



on account of negligence, etc., if so advised. The Court has not commented on the merits of the allegations levelled by the Petitioner, and all rights and contentions of the parties are left open.

7. With the aforesaid, the present petition is disposed of.

SANJEEV NARULA, J

JULY 18, 2024/ab