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

+ **W.P.(C) 17669/2024 & CM APPLs. 75235-75236/2024**

DR BIRINDER PAL SINGH BAJWA

.....Petitioner

Through: Mr. Kunal Kher, Advocate.

versus

NATIONAL MEDICAL COMMISSION OF INDIA & ORS.

.....Respondents

Through: Mr. T. Singhdev, Mr. Abhijit Chakravarty, Mr. Tanishq Srivastava, Ms. Yamini Singh, Mr. Anum Hussain and Mr. Bhanu Gulati, Advocates for R-1/ NMC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.12.2024

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1. The Petitioner seeks stay of the execution of the order dated 30th September, 2024 passed by the Ethics Board of Respondent No. 1/ National Medical Commission,¹ during the pendency of the statutory appeal preferred by the Petitioner under Section 30(4) of the National Medical Commission Act, 2019² before the Appellate Authority– NMC.
2. Through the impugned order, the Ethics and Medical Registration Board³ has directed the removal of the Petitioner's name from the State Medical Register, for a period of six months.

¹ "NMC"

² "NMC Act"

³ "EMRB"



3. The Court has considered the submissions advanced by the counsel for parties and also perused the impugned order. The appeal before NMC is likely to be heard in some time. It is further noted that the decision of the EMRB has come into effect from 30th November, 2024. Thus, given that the EMRB has directed to remove the Petitioner's name for a brief period of six months, in the opinion of the Court, if the impugned order is not stayed today, by the time the appeals are heard by the NMC, no tangible relief would be available to the Petitioner, except for clearing the finding of misconduct against him.

4. In light of the foregoing, it is directed that the impugned order dated 30th September, 2024 shall be kept in abeyance till a decision is rendered in the appeal preferred by the Petitioner, which is pending consideration before the Appellate Authority– NMC.

5. It is clarified that the relief granted above is only to ensure that Petitioner's statutory remedy is not rendered infructuous. The Court has not examined the merits of the case. All rights and contentions of parties are reserved.

6. With the above directions, the petition is disposed of, along with pending applications.

SANJEEV NARULA, J

DECEMBER 20, 2024

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