



2025:DHC:961



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

Date of Decision: 07.02.2025

+ **W.P.(C) 644/2017 & CM Appl.2980/2017**

JAGVIR SINGH

.....Petitioner

Through: Mr. Vijay Kumar, Adv.

versus

DELHI MEDICAL COUNCIL & ORS

.....Respondents

Through: Mr. Praveen Khattar & Mr. Pritam Kumar, Advocates for R-1.
Mr. T. Singhdev, Mr. Abhijit Chakravarty & Mr. Tanishq Srivastava, Advocates for R-2.
Mr. Rajesh Gonga, CGSC with Mr. Nishant Sharma, Advocate for UOI.
Mr. S. Rajappa R. Gowrishankar & Ms. G. Divyasri, Advocates for R-8.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed on behalf of the Petitioner impugning the order dated 22.12.2016 [hereinafter referred to as “Impugned Order”] passed by the Respondent/Delhi Medical Council, whereby the Respondent/Delhi Medical Council had directed the Petitioner to stop “*practising modern medicine system with immediate effect*” and to close down his Arjun Clinic, E-127, West Karawal Nagar, Delhi [hereinafter referred to as “Clinic”]. The Impugned Order is being challenged by the Petitioner before this Court.



2025:DHC:961



2. It is the case of the Petitioner that the Petitioner had obtained a Vocational Certification from Respondent No. 8 by a Certificate dated 14.12.2015 [hereinafter referred to as “Certificate”] and was providing only First Aid medical facilities and using approved medicines, however, his clinic was shut down by Respondent/Delhi Medical Council by the Impugned Order. The Impugned Order also directed the Petitioner to stop the practise of the modern system (allopathic) medicine without a license.

3. During the proceedings before this Court, Respondent Nos. 8 and 9, who have issued the Certificate, have filed their Counter-Affidavit. The Counter-Affidavit sets out that what the Petitioner has obtained is a certification to work in the community and act as a facilitator for creating health awareness, knowledge of health environment, health and hygiene and to provide appropriate first aid in emergency situations. It is stated that these persons who are granted this Certificate are supposed to work only as health workers, for facilitating and creating health awareness, knowledge of health environment, health and hygiene and only to provide appropriate first aid in emergency situations. The relevant extract of the Counter-Affidavit is set out below:

“3. It is submitted that the preset Writ Petition as against NIOS is not maintainable as against it in as much as the petitioner has not sought any relief against NIOS. The deponent herein denies allegations made against NIOS in this petition. However, in so far as averments made against the NIOS, the deponent submits that the objective of the program undertaken by the petitioner and the occasional certificate issued by NIOS is to train the candidates and prepare skilled health workers in the community. These trained persons are supposed to work in the community not only as health worker but also as a facilitator for creating health awareness, knowledge of health environment, health and hygiene and who will be able to provide appropriate first aid in emergency situations and it is well accepted



2025:DHC:961



that community health workers can provide appropriate treatment in emergency situations as the community health workers can work as multi-purpose health workers for creating health awareness, knowledge in environment and who can deal with health and hygiene and are capable of providing appropriate treatment in first aid during emergency situations.”

[Emphasis supplied]

4. Learned Counsel for Respondent/Delhi Medical Council submits that the Impugned Order was passed by Delhi Medical Council only disallowing the Petitioner from practising allopathic medicine. It is the case of the Respondent/Delhi Medical Council that practise of modern science and the system of medicine can only be done in terms of Delhi Medical Council Act, 1956 [hereinafter referred to as “Act”] and by registered medical practitioners.

5. Learned Counsel for Respondent/Delhi Medical Council submits that prior to passing of the Impugned Order, a show-cause notice was issued to the Petitioner on 10.11.2016. A reply to the show-cause notice was sent on behalf of the Petitioner, wherein it was stated that in terms of the certification issued by the Respondent No.8 to the Petitioner, the Petitioner is eligible to provide first-aid and can use prescribed allopathic medicine as first-aid, which are approved by Respondent No.8/National Institute of Open Schooling (NIOS), Ministry of Human Resource Development, Government of India. It is thus submitted that the Petitioner has admitted to violation of the provisions of the Act and concerning Rules. Thus, it is contended that the Impugned Order is limited to the Petitioner not practising allopathic medicine.

6. The Petitioner is present in the Court today. Learned Counsel for the



2025:DHC:961



Petitioner, on instructions, submits that the Petitioner is not practising allopathic medicine and undertakes not to do the same. The statement of the learned Counsel for the Petitioner is taken on record. The Petitioner is bound down to the statement made by his counsel.

7. The challenge in the present Petition is limited to the Impugned Order which directs the Petitioner to stop practicing modern system of medicine (forthwith) and to close down his clinic. The order does not prohibit the Petitioner from undertaking any work on the basis of the Certificate issued by Respondent No.8, which is to work for creating awareness for health and hygiene in the community. The Petitioner is also certified to provide appropriate treatment in first-aid *albeit* only in emergency situation.

8. Given what is stated above, this Court finds not infirmity with the Impugned Order. The Certificate that was granted to the Petitioner was only for a limited purpose. The Petitioner is free to undertake his practise in terms of the Certificate, however the Petitioner is warned not to practise allopathic medicine without the requisite qualification and degrees.

9. The Petition is accordingly disposed of in the foregoing terms. Pending Application also stands closed.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

FEBRUARY 7, 2025/r

Click here to check corrigendum, if any