



2026:DHC:1561



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 12591/2019 & CM APPL. 6554/2024**Date of Decision: **18.02.2026****IN THE MATTER OF:**

ANKURAN DUTTA

.....Petitioner

Through: Mr. Abir Phukan, Ms. Rishika
Radhakrishnan, Mr. Shamik Sanyal,
Advocates.

versus

MEDICAL COUNCIL OF INDIA & ORS

.....Respondents

Through: Mr. T. Singhdev, Adv. for R-1.
Mr. Praveen Khattar, Advocate for R-
2.
Mr. T. K. Tiwari, Adv. for R-3.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for setting aside the order dated 27.09.2019 passed by the respondent no.1 whereby, the petitioner's appeal against the order dated 16.06.2017 was disposed of.
2. The petitioner seems to have filed a complaint alleging medical negligence against respondent nos.3 and 4 before the Delhi Medical Council ['DMC']. Acting on the said complaint, *vide* order dated 16.06.2017, the DMC had directed that the name of respondent nos.3 and 4 be removed from

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the State Medical Register for a period of 15 days.

3. Against the order dated 16.06.2017, the petitioner had filed an appeal before respondent no.1 seeking enhancement of the punishment. Respondent nos. 3 and 4 had also filed appeals against the said order before respondent no. 1. All three appeals were disposed of *vide* impugned order.

4. The petitioner challenges the impugned order on the ground that the petitioner's appeal has not been dealt with on merits. According to the petitioner, the punishment awarded to respondents no. 3 and 4 is not proportionate to the gravity of their aggravated misconduct. It is also pointed out that the impugned order passed by respondent no. 1 does not specifically deal with the aspect of enhancement of punishment.

5. Respondent no. 1-National Medical Commission/Medical Council of India (NMC) is represented by Mr. T. Singhdev, respondent no. 2-DMC is represented by Mr. Praveen Khattar, and respondent no. 3 is represented by Mr. T.K. Tiwari. They try to justify the impugned order. Mr. Tiwari, learned counsel appearing for respondent no. 3, submits that at the request of the petitioner himself, the expert opinion was obtained.

6. It be noted that this Court cannot be expected to assume the jurisdiction of the appellate authority and to deal with the submissions on merit. Once an appeal was preferred by the petitioner before respondent no. 1, the same ought to have been dealt with on its merits. A perusal of the entire order would, nowhere, reflect any deliberation on the petitioner's appeal. The NMC has dealt with the appeal filed by the doctors and has affirmed the order dated 16.06.2017 passed by the DMC. However, the aspect of enhancement of punishment, which was the specific grievance raised in the petitioner's appeal, has not been deliberated on at all.

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7. In view thereof, the Court finds that the order dated 27.09.2019 suffers from material illegality and does not withstand the scrutiny of law. Therefore, the same deserves to be set aside to the extent of non-consideration of the petitioner's appeal.
8. Ordered accordingly.
9. Therefore, the appeal of the petitioner is directed to be restored to its number. Thereafter, let the same be dealt with by the concerned authority in accordance with law after affording the opportunity of hearing to the parties.
10. Petition stands disposed of.
11. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J
FEBRUARY 18, 2026/P/AMG

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