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

+ W.P.(C) 59/2023 & CM APPLs. 144/2023 & 145/2023
HINDU RAO HOSPITAL DOCTORS WELFARE
SOCIETY Petitioner

Through: Ms. Binu Tamta with
Mr. Satyanarayan and
Ms. Babita, Advocates.
(M): 9810532043
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versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
AND ORS. Respondents

Through: Ms. Anita Sahani, Advocate for
respondent no. 1/GGSIPU.
(M): 9810113256
Email: anitasahani@gmail.com
Mr. T. Singhdev with
Mr. Abhijit Chakravarty and
Mr. Michelle B. Das,
Advocates for respondent no.
2/NMC.
Mr. Naginder Benipal, Senior
panel counsel with Ms. Vidhi
GP, Mr. Ankit Siwach,
Ms. Harithi Kambiri and
Ms. Arpita Rawat, Advocates
for respondent no. 4/UOI.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
17.01.2023

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[Physical Hearing/ Hybrid Hearing]

**CM APPL. 144/2023 (Application under Section 151 CPC for
exemption from filing certified copy of annexures)**

1. This is an application under Section 151 CPC for exemption



from filing certified copy of annexures.

2. Allowed, subject to just exceptions.

3. Application is disposed of.

W.P.(C) 59/2023 & CM APPL. 145/2023 (Application under Section 151 CPC for Ad-interim relief)

4. The present writ petition has been filed by the petitioner Society which is stated to be established and registered in the year 1995. It is submitted that the society has been formed to look after the welfare of the doctors working in Hindu Rao Hospital, Delhi.

5. It is the case on behalf of the petitioner that Hindu Rao Hospital is a 980 bedded hospital providing health services to the General Public, established in the year 1968. In the year 2012, it was decided by the competent authorities of Municipal Corporation of Delhi (MCD) to start Undergraduate Medical College with Hindu Rao Hospital, as an associated hospital.

6. It is the case of the petitioner that with an intent to run the college efficiently, in a cost effective manner, it was decided that Equated Teaching Designations will be granted to doctors with MD/MS/DNB and Ph. D. Degree as per various notifications as follows:

(i) The Gazette Notifications dated 15.03.2005 amending the Postgraduate Medical Regulations, 2000.

(ii) Gazette Notification dated 17.11.2009 amending Postgraduate Medical Regulations, 2000;

(iii) Gazette Notification dated 06.08.2012 amending the Minimum Qualification for Teachers and Medical Institutions Regulations, 1998;



(iv) Gazette Notification dated 22.01.2018 amending the Minimum Qualification for Teachers and Medical Institutions Regulations, 1998;

7. It is submitted that as per the notifications, a doctor having a degree of MS/MD/DNB or Ph. D. working for 18 years in a 300 bedded hospital, having published four research publications in Indexed General could be granted the Equated Teaching Designations of a Professor.

8. Learned counsel for the petitioner relies upon the judgment dated 09.11.2016 in W.P. (C) 7049/2005 annexed along with the present writ petition, in the case of ***Faculty Association, Maulana Azad Medical College and Associated Hospital Vs Union of India and Others,***.

9. Learned counsel for the petitioner has particularly relied upon paras 22, 23, and 35 of the said judgment. By relying upon the aforesaid judgment, it is contended that the Division Bench judgment of this Court itself clearly postulates that Clause (d) of Regulation 11.1 of the PGME Regulations, 2000 do not postulate one time exception and there can be subsequent designations, as long as there is a shortage of Professors, Associate Professors or Assistant Professors belonging to the teaching sub-cadres.

10. Learned counsel further relies upon the letter dated 30.01.2014 issued by Medical Council of India and submits that the case of the petitioner is governed by the said letter dated 30.01.2014 issued by the Medical Council of India, which has been attached as Annexure-P13 to the present writ petition.



11. Thus, it is submitted that directions be issued to the respondents to grant Equated Teaching Designations to existing qualified, experienced, regular and eligible Post Graduate Doctors with MD/MS/DNB & PHD qualifications working in Hindu Rao Hospital attached to NDMC Medical College with retrospective reasonable relief as per various resolutions, gazette, notifications and Acts applicable since the inception of the NDMC Medical College in the year 2012.

12. Learned counsel for the petitioner further submits that when the MCI recommended the case in 2014, they also made reference to notification dated 06.08.2012.

13. Issue notice.

14. Notice is accepted by learned counsels for respondents.

15. Ms. Anita Sahani, learned counsel appearing for respondent no.1 submits that the college in question i.e. NDMC Medical College would be a necessary party in the present case. She submits that it is the college which ultimately intimates the university with respect to the shortfall and accordingly the university takes action for the purposes of designation of Professors in lieu of the shortfall intimated by the college concerned. She further submits that the college also intimates the requirement as regards more teachers in the college.

16. Learned counsel appearing for petitioner submits that she has no objection for impleadment of the college in question.

17. At oral request of learned counsel for the petitioner, NDMC Medical College is impleaded as a party.



18. Let amended memo of parties be filed within a week from today.

19. Mr. T. Singhdev appearing on behalf of respondent no. 2 submits that the Teacher Eligibility Requirement Regulations upon which the petitioner is relying upon, have already been repealed on 22.02.2022. He further submits that as far as new Regulations are concerned, there is no provision for granting any Equated Teaching Designation.

19. Reply be filed by respondents within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

20. List on 23.05.2023.

MINI PUSHKARNA, J

JANUARY 17, 2023

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