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

+ W.P.(C) 4574/2025

ANKIT GARG

.....Petitioner

Through: Ms. Ila Sheel, Adv.
versus

MEDICAL REGISTRATION BOARD & ANR.Respondents

Through: Mr. T. Singhdev, Mr. Abhijit
Chakravarty and Mr. Tanishq
Srivastava, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

09.04.2025

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1. The petitioner assails an order dated 23.09.2024, passed by the Ethics and Medical Registration Board (EMRB) of the National Medical Commission (NMC) / respondent no.1 in an appeal filed by the respondent no.2 (doctor). It is the contention of the petitioner that the said appeal was filed with an unexplained delay of almost four years and decided without affording an opportunity of hearing to the petitioner herein.

2. It is submitted that in the appellate proceedings, the respondent no.2 (doctor) has been exonerated from charges of grave default / negligence resulting in the death of the child (still born) of the petitioner. It is submitted that the concerned doctor is guilty of negligent acts such as:

- (i) Abnormal delay in attending critical patient;
- (ii) lack of due diligence in assessing condition of patient;
- (iii) no arrangement for continuous monitoring of patient despite patient being detected with less amniotic fluid and rupture of membrane in early labour;



- (iv) ignoring all signs of c-section and waiting dangerously for normal delivery; and
 - (v) ignoring all signs of foetal distress
3. The petitioner, being aggrieved by the death of his child (still born) due to the negligence on the part of the attending medical professionals, including respondent no. 2, at CloudNine Hospital, Noida, initially filed a complaint before the Uttar Pradesh Medical Council (UPMC) against both the consulting physician and duty doctor (respondent no. 2).
4. After conducting a detailed inquiry, the UPMC passed a reasoned order on 05.08.2019, finding both doctors, including respondent No. 2, guilty of default of their medical responsibilities and issued them a strict warning.
5. Subsequently, on 05.08.2019, the consulting physician preferred an appeal before the EMRB (then MCI). On 06.02.2020, the EMRB (then MCI) passed an order setting aside the findings against the Consulting Physician, Dr. Pratibha Singhal. It is pointed out that a writ petition filed by the petitioner in respect of the said proceeding is already pending before a Coordinate Bench of this Court in W.P.(C) 3638/2020 and this Court is seized of identical issues in the context of that petition.
6. Subsequently, on 27.06.2023, respondent no. 2 filed an appeal before the EMRB, nearly four years after the original UPMC order dated 05.08.2019. On 23.09.2024, the EMRB passed an ex-parte Order, completely exonerating respondent no. 2.
7. Being aggrieved of the same the petitioner has filed the present petition.
8. Issue notice.



9. Learned counsel, as aforesaid, accepts notice on behalf of the respondent no.1.
10. Issue notice to the respondent no.2, on necessary steps being taken by the petitioner, through all permissible modes.
11. Let reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.
12. List along with W.P.(C) 3638/2020 on 23.07.2025.

SACHIN DATTA, J

APRIL 9, 2025/cl