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

+ W.P.(C) 6852/2018

DR RAJNISH SHARMA

..... Petitioner

Through: Mr Varun Tikmani and Mr Ashwin
Kumar D. S., Advocates.

versus

MEDICAL COUNCIL OF INDIA & ORS

..... Respondents

Through: Mr Singhdev, Advocate for R-1/MCI.
Mr Praveen Khattar, Advocate for R-
2/DMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.07.2018

CM No.26032/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 6852/2018 & CM No.26031/2018

2. The petitioner has filed the present petition impugning an order dated 22.06.2018 passed by respondent no.1 (Medical Council of India – hereafter ‘MCI’) allowing the appeal preferred by respondent no.3 against an order of respondent no.2 (Delhi Medical Council) exonerating the petitioner from allegations of medical negligence. By the impugned order, it has been directed that the name of the petitioner be removed from the medical register for a period of three months.

3. A plain reading of the impugned order indicates that the Executive Committee of the MCI has accepted the recommendations of the Ethics



Committee. However, the said order does not disclose any reasons that have persuaded the Ethics Committee to allow respondent no.3's appeal.

4. Mr Singhdev, learned counsel appearing for the Medical Council of India has handed over the minutes of the proceedings of the Ethics Committee held on 19.04.2018/20.04.2018. A plain reading of those minutes also indicates that the Ethics Committee has not articulated any reasons in support of its decision but has merely recounted the facts of the case.

5. Issue notice. Learned counsel for respondent nos.1 & 2 accepts notice. Notice shall go to respondent no.3 by speed post as well as one of the approved couriers. *Dasti* in addition.

6. In the meanwhile, for the reasons stated above, the impugned order is stayed. The Delhi Medical Council shall take necessary steps to reinstate the name of the petitioner on the medical register in case the same has been removed pursuant to the impugned order passed by the MCI.

7. List on 23.10.2018.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JULY 05, 2018
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