

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).219/2003

(From the judgement and order dated 14/08/2002 in CWP No.3157/2002
of The HIGH COURT OF DELHI AT N. DELHI)

BIRINDER SINGH THIND

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With office report)

(For Final Disposal)

With S.L.P. (C) No.13733 of 2004

(With appln(s) for c/delay in refiling SLP)

(For Final Disposal)

Date: 19/10/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Ms. Anusuya Salwan,Adv.

Ms. S. Janani,Adv.

For Respondent(s)

Mr. A. Mariarputham,Adv.

Mr. Maninder Singh,Adv.

Ms. Pratibha M. Singh,Adv.

Mr. Sunil Fernandes, Adv.

Mr. Saurabh Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

It seems that the petitioner did his M.D. 'Physician' Course and obtained M.D. Physician Degree on 28th June, 1996, after having studied for the period from 1989 to 1996. M.D. Physician course is equivalent to M.B.B.S. Degree in India. According to the petitioner, which seems to be correct, subject to

...2/-

- 2 -

what the respondents may have to say, he did five years' integrated course of Ph.D. from 1st September, 1996, to 1st September, 2001, for imparting teaching and training in Post-graduate subject of Medicine and super-speciality in Medicine (Cardiology). The dispute is not about the recognition of petitioner's Degree in M.B.B.S. course but is about recognition of his Degree obtained in Ph.D. course. The recognition is being denied by the Medical Council of India in view of the stipulation in the notification dated 27th July, 1999, which provides that the qualifications shall be recognised in respect of students admitted for undergoing Ph.D. course up to the year 1989. There is, however, a notification dated 7th January, 1997, which recognises those students who had been admitted for under-graduate or post-graduate course up to 1989. The petitioner claims benefit of this notification on the ground that he had joined up to 1989 the under-graduate course (M.B.B.S. course) and was studying the said course between the period 1989 and 1996. According to the Medical Council of India, the petitioner is governed by the notification dated 27th July, 1999. For the present, on these respective contentions, we express no opinion. We,

however, feel that if the petitioner is the only case and there are not many doctors similarly placed as the petitioner, the Medical Council of India, having regard to the equities of the case, may sympathetically consider the question of recognising the Ph.D. Degree of the petitioner, in view of the fact that he has spent five years in Ph.D. course in Russia and it is a solitary case.

The learned counsel for the Medical Council of India submits that the matter will have to be placed before the Post-graduate Committee and is likely to take some time.

List the petitions after six weeks.

[T.I. Rajput]

Court Master

[V.P. Tyagi]

Court Master