
(2014) 07 DEL CK 0351
In the Delhi High Court
Case No : W.P.(C) 4204/2014

Alka Goel

APPELLANT

Vs

Medical Council of India

RESPONDENT

Date of Decision : 11-07-2014

Acts Referred:

Citation : (2014) 6 AD 663

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : A. Maitri and Radhika Chandrashekhar, Advocate for the Appellant; T. Singhdev, Anshuman Mohla and Praveen Khattar, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Suresh Kait, J.

CM No. 8438/2014 (for exemption)

1. Exemptions allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 4204/2014 & CM No. 8437/2014 (for stay)

Vide the present petition, the petitioner is seeking direction against the respondent No. 1/Medical Council of India to adjudicate the appeal filed by her against the order dated 10.06.2014 passed by the respondent No. 2/Delhi Medical Council in accordance with Rule 8.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

Vide CM No. 8437/2014, the applicant/petitioner is seeking stay of the operation of the order dated 10.06.2014, as noted above, till the adjudication/disposal of the appeal filed by the petitioner by the respondent No. 1/Medical Council of India. 2. Mr. T. Singhdev, learned counsel for the respondent No. 1/Medical Council of India appears on advance notice and submits that vide order 02.01.2014, passed in W.P.(C) No. 8237/2013, held as under:-

"A perusal of the paper book reveals that in December, 2013 petitioner had filed an appeal with respondent-Medical Council of India under Regulation 8.8 of the Code of Ethics Regulations, 2002 against the impugned order dated 3rd December, 2013. Since admittedly the aforesaid appeal is not likely to be listed or heard before the penalty imposed by respondent-Delhi Medical Council comes into effect, i.e., on 3rd January, 2014, this Court is of the opinion that petitioner cannot be condemned unheard.

Consequently, present writ petition and application are disposed of with a direction to the Ethics Committee of respondent-Medical Council of India to dispose of petitioner's appeal as expeditiously as possible, preferably within a period of six months. Till the statutory appeal is disposed of, it is directed that the impugned order dated 3rd December, 2013 passed by respondent-Delhi Medical Council shall not be given effect to."

3. In view of the above recorded facts, execution of the order dated 10.06.2014 shall remain stayed till disposal of the appeal by the respondent No. 1/Medical Council of India.

4. Accordingly, the instant petition alongwith pending application is disposed of. A copy of this order be given dasti to the learned counsel for the parties.