
(2005) 01 DEL CK 0067
In the Delhi High Court
Case No : LPA 181 of 2004

Brijesh Ranjan

APPELLANT

Vs

Medical Council of India

RESPONDENT

Date of Decision : 25-01-2005

Acts Referred:

Citation : (2005) 01 DEL CK 0067

Hon'ble Judges : B.C. Patel, C.J;Sanjay Kishan Kaul, J

Bench : Division Bench

Advocate : Anil Dutt, for the Appellant; Manindar Singh, for the Respondent

Final Decision : Dismissed

Judgement

B.C. Patel, C.J.—Against the decision of learned Single Judge in Civil Writ No. 2723 of 2003 decided on 9.12.2003, the present Letters Patent Appeal is preferred.

2. Admitted facts are that the appellant did not have the minimum 50% of the marks specified by the Medical Council of India in Intermediate examination It is also not in dispute that the petitioner enrolled with St. Petersburg State Pediatric Medical Academy and he studied there for four years between 1992-96 and thereafter for two years in college recognised both by the Government of Russia as well as by the Medical Council of India. After completion of the examination when he approached Medical Council of India for issuance of provisional registration, the same was denied and hence the aforesaid writ petition.

3. Learned Single Judge examined the matter in detail. Paras 6(A) and 6(B) have been reproduced from the Apex Court decision in the case of Medical Council of India v. Indian Doctors from Russia Welfare Association, (2002) 3 S.C. 696 and the relevant page is produced on record of the paper book at page 42. We reproduce para 6(A)(i) as under:-

""Those students who obtained degrees where the total duration of study in

recognised institutions is less than six years (i.e. where a part of the study has been in unrecognised institutions, or the total length of study in a recognised institution is sort of six years), shall be granted registration by MCI provided that the period of shortfall is covered by them by way of additional internship over and above the regular internship of one year. In other words, for such categories of students, the total duration of study in a recognised institution plus the internship, would be seven years, which is the requirement even otherwise.""

4. Learned counsel for the respondent pointed out various orders passed by the Apex Court and pointed out that as the petitioner, in the instant case, did not secure 50% of the marks specified by Medical Council of India and that he studied for a period of four years in a college which was not recognised, he cannot be given the benefit of para 6(A)(i) of the decision of the Apex Court and in our opinion rightly so, as the Court has pointed out that the students who obtained degrees where the total duration of study in recognised institutions is less than six years, shall be granted registration by Medical Council of India provided that the period of short fall is covered by them by way of additional internship over and above the regular internship of one year.

5. Learned Single Judge has rightly pointed out that in the instant case benefit cannot be extended and more particularly when the matter pertains to standards of excellence. People of this country cannot be asked to get treatment from persons who are not duly qualified. Therefore, we find no merit in the appeal, which is hereby dismissed.