

(2018) 10 UK CK 0119

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1703, 1745, 1746, 1747, 1748 Of 2018, 1534 Of 2016

Dr.Nawal Kishore Khanduri & Others @APPELLANT@Hash State Of Uttarakhand & Others

Date of Decision : 06-10-2018

Acts Referred:

Citation : (2018) 10 UK CK 0119

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : D.K. Joshi, Akshay Latwal, K.P. Upadhaya, Parikshit Saini, Gopal K. Verma

Final Decision : Disposed Off

Judgement

Sudhanshu Dhulia, J

1. Petitioners in WPMS Nos. 1703 of 2018 and 1745 of 2018 are retired medical officers and other petitioners before this Court are those medical officers who are in service of Government Health Department.
2. The common fact which is there in the case of all the petitioners is that all of them after completing their MBBS course while they were in government service in the State of Uttarakhand or even prior to that in the erstwhile State of Uttar Pradesh. On Government expense they were assigned to do a post graduation course i.e. post graduation diploma in Medical Radiology and Diagnosis and post graduation diploma in Obstetrics and Genecology. Some of the petitioners were sent to undergo this Course at Moti Lal Nehru Medical College, Allahabad and others were asked to undergo this course from Dr. B.R. Ambedkar University, Agra. After completing their course, they received their relevant certificates and were registered as PG doctors and started getting their remuneration based on their

status as PG Medical Officers. While the petitioners were in service of the State of Uttarakhand, it appears that some kind of complaint was made that the petitioners have done their post graduation diploma from Medical Colleges/Universities which was never recognized by the Medical Council of India. Consequently, the Uttarakhand Medical Council passed an order dated 28.05.2018 cancelling the registration of the petitioners. The net result of this would be that the petitioners cannot function as MD Radiology or Genecology, though they are functioning as simple MBBS doctors. Two of the petitioners, namely, Dr. Nawal Kishore Khanduri and Dr. Prakash Chandra Kapri have already retired after reaching the age of superannuation. Aggrieved, the petitioners have filed the present writ petitions before this Court.

3. Counter affidavit was called from the respondents in the matter.

4. The Medical Council of India in its counter affidavit has clearly stated that the course undergone by the petitioners was never recognized by the Medical Council of India. This is an admitted position. Not only this, the contention of the Medical Council of India is also that the recognition was never sought by the Medical College.

5. This may be the case but the learned counsel for the petitioners would argue that there is a special equity in favour of the petitioners which is that all of them have undergone the course from Government Medical Colleges. Moreover, they were assigned this particular course by their respective Government and they have undergone this course on government expenses while being in government service. Thereafter they were duly registered as such, and cancelling their registration at this stage is not only arbitrary but it has extremely harsh consequences for the petitioners.

6. After hearing the learned counsels for the parties, this Court is not in a position to interfere in the matter at this stage. The writ petitions are disposed of with a direction that the Uttarakhand Medical Council as well as the State Government shall move a representation before the Medical Council of India and the Medical Council of India after hearing the side of the petitioners as well as that of the State of Uttar Pradesh shall pass a speaking order therein in accordance with law. Considering that what is at stake is the career of the petitioners as well as their reputation. The decision shall be taken by the concerned authority as expeditiously as possible,

but in any event within four months from today.