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

+ W.P.(C) 4939/2020

THAN SINGH KEHWAR Petitioner

Through Mr. Anuj Agarwal, Adv.

versus

BOARD OF GOVERNORS IN SUPERSESSSION

OF MEDICAL COUNCIL OF INDIA & ANR..... Respondent

Through Mr. T. Singhdev Adv and Mr. Tarun
Verma, Adv for respondent no.1- MCI

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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07.08.2020

This hearing is conducted through Video Conferencing.

CM No.17850/2020

Exemption allowed, subject to all just exceptions. Court Fee be filed within two weeks.

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1. This Writ Petition is filed by the petitioner seeking the following reliefs:-

“(i)issue an appropriate writ, order or direction thereby setting aside the impugned Letter/Order dated 12.06.2020 (Annexure P-1) whereby the Board of Governors in Supersession of Medical Council of India, Respondent No.1 herein, rejected the request of the petitioner for issuance of Eligibility Certificate under Section 13(4B) of the Indian Medical Council Act, 1956 on the ground - “you did not have Biology as a subject either in High School or B.Sc.Level.”;

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(ii) Direct the Respondent No.1 to issue the Eligibility Certificate under Section 13(4B) of the Indian Medical Council Act, 1956 to the petitioner;

(iii) Direct the Respondent No.2, i.e. Association of Indian Universities, as well as Respondent No. 1 to declare that the petitioner is qualified and eligible for getting the Eligibility Certificate under Section 13(4) of the Indian Medical Council Act, 1956;”

2. The case of the petitioner is that he is an Overseas Citizen of India. In 1982 he successfully passed the Secondary School Examination and thereafter he passed his Class 11 in 1983. He did not have Biology as a subject in class 11. He has done his Bachelors Degree in Science where he had English, Physics, Chemistry and Mathematics as main subjects. He had done his Masters of Science in Physics in 1988. Various other qualifications have also been achieved by him including PHD in Physics from Agra University. The petitioner is presently settled in USA. There also he has passed various courses, details of which are given in Writ Petition.

3. On 1.4.2010 the petitioner passed Undergraduate Level Biology-1 and Biology-2 with Lab course from Community College of Allegheny County, Pittsburgh, PA, USA. This was a pre-requisite course for taking admission to Doctors of Medicine course in International University of the Health Science, School of Medicine. It is the contention of the petitioner that this qualification is equivalent to studying biology at B.Sc. Level in India. In 2010 the petitioner took admission in Doctor of Medicine Course (equivalent to MBBS in India) in International University of the Health

Science, School of Medicine, Saint Kitts and Nevis, West Indies. The course was for a period of 4-5 years. Petitioner has also successfully completed clinical practical in hospitals and obtained the degree of Doctor of Medicine from the said College in 2017.

4. On 11.10.2018 petitioner had made a representation to the erstwhile Medical Council of India requesting for issue of eligibility certificate under section 13(4B) of the Indian Medical Council Act, 1956 so that he can practice medicine in India. On 12.6.2020, the Board of Governors of respondent No.1 have rejected the request of the petitioner for issuance of an eligibility certificate on the ground that “you did not have Biology as a subject either in High School or B.Sc. Level”.

5. Learned counsel for the petitioner has pointed out that it is the case of the petitioner that he has done Undergraduate Level Biology-1 and Biology-2 with Lab course from Community College of Allegheny Country, Pittsburgh, PA, USA, which is equivalent to studying Biology at B.Sc. level in India. In the alternative, it is the case of the petitioner that the aforesaid qualification if not higher than at least is equivalent to studying Biology as a subject at Higher School/Senior Secondary School Level.

6. It is the case of both the learned counsel for petitioner and learned counsel for respondent No.1 that it would be for respondent No.2 to first grant a certificate of equivalence to the petitioner for the Biology Course done stating it to be equivalent to B.Sc. Biology/Higher Secondary Course with Biology.

7. Learned counsel for respondent No.1 states that in case the decision is taken by respondent No.2 the matter can be reconsidered by respondent No.1.

8. Keeping in view the above facts, it would be in the interest of justice that this Writ Petition is treated as a representation by respondent No.2. The said representation would be dealt with by respondent No.2 and disposed of expeditiously preferably within six weeks from today. Once an appropriate decision is taken by respondent No.2, the petitioner is free to approach respondent No.1 with his representation for reconsideration of the decision by respondent No.1. In case such a representation is filed by the petitioner, respondent No.1 may consider the same expeditiously preferably within six weeks from receipt of the representation. The said respondents No.1 and 2 will consider the matter, as per law. This order is passed without prejudice to the rights and contentions of the parties.

9. Nothing further survives in this petition. Petition is accordingly disposed of.

JAYANT NATH, J

AUGUST 07, 2020/n