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

+ W.P.(C) 9597/2015

PEOPLE FOR BETTER TREATMENT

THROUGH ITS PRESIDENT

..... Petitioner

Through: Mr.M.N. Krishnamani, Sr. Adv. with
Mr.T.V. George, Adv.

Versus

MEDICAL COUNCIL OF INDIA & ORS. Respondents

Through: Mr.Vikas Singh, Sr.Adv. with
Mr.T.Singhdev, Ms.Biakthansangi, Adv. for R-1/MCI.
Mr.Rahul Gupta, Adv.with Mr.Shekhar Gupta, Adv.for
R2.

Mr.Sanjay Jain, ASG with Mr.Jasmeet Singh, CGSC for
UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **03.03.2016**

Ms. G. Rohini (Chief Justice)

1. In this petition filed as a public interest litigation the petitioner seeks a mandamus directing the respondents No.1 and 3, i.e, Medical Council of India and Union of India, Ministry of Health and Family Welfare respectively to take appropriate measures for immediate removal of respondent No.5 from the office of the President of the World Medical Association (Respondent No.4). The petitioner also seeks a direction to the Medical Council of India to take disciplinary action against the respondent No.6 and further to direct investigation into the allegations of corruption in Medical Council of India.

2. We have heard Mr.M.N. Krishnamani, the learned counsel for the petitioner.

3. We have also heard Sh.Vikas Singh, the learned Senior Counsel and Sh.Sanjay Jain, the learned ASG who appeared on behalf of the respondents No.1 and 3 respectively on advance notice.

4. It is pleaded in the petition that the respondent No.4/World Medical Association is the largest International Organization of doctors aimed at promoting a better health care delivery system across the globe. The allegation in the petition is that the respondents No.1, 2 and 6 had provided false information to the respondent No.4 so as to help the respondent No.5 to get elected as the President of the 4th respondent Association. It is also alleged that the fact that the medical registration of respondent No.5 has been suspended and that two CBI cases are pending against him was deliberately suppressed by the respondents No.1,2 and 6 and that the respondent No.5 had managed to occupy the prestigious post of the President elect of the respondent No.4 Association on the basis of the false statements made by the high rank members of the respondents No.1 and 2.

5. It is not disputed before us that respondent No.4 is not a statutory body but it is only an organization where a number of private medical associations are members. It is also not in dispute that the respondent No.5 has been duly elected to the post of the President of the respondent No.4 Association. That being the position, the disqualification, if any, incurred by him has to be examined by the competent authority and it is not an issue which can be determined by this Court under Article 226 of the Constitution of India. It is also evident from the material available on record that a legal notice dated 25.11.2013 was issued on behalf of the petitioner calling upon the respondent No.4 Association to take appropriate steps to re-impose the

ban against the respondent No.5 and to remove him from the post of President elect within two weeks, failing which necessary legal action would be taken against the respondent No.4 and other associated W.M.A. authorities before an appropriate forum in U.S.A./India or other country(ies) for spreading false information in promoting a tainted doctor and causing deep anguish for the petitioner. As observed by the Supreme Court in ***Balco Employees Union (Regd.) v. Union of India & Ors., (2002) 2 SCC 333***, PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and was a procedure which was innovated where a public spirited person files a petition in effect on behalf of such persons who on account of poverty, helplessness or economic and social disabilities could not approach the Court for relief. Whenever the Courts have interfered and given directions while entertaining PIL, it has always been where there has been an element of violation of Article 21 or of human rights or where the litigation has been initiated for the benefit of the poor and the underprivileged who are unable to come to Court due to some disadvantage. No such case is made out in the present case.

6. It is also relevant to note that the petitioner is a society run by one Dr.Kunal Sinha, who lives in Ohio, U.S.A. He had earlier filed **W.P.(PIL)No.15/2010** titled ***People for Better Treatment (PBT) Through President Vs. Ketan Desai & 3 Ors.*** in the High Court of Gujarat seeking a direction to the respondents No.3 and 4 therein to hold and declare that the Vice Chancellor, Gujarat University had no authority in law to declare the respondent No.1 therein (Dr.Ketan Desai/the respondent No.5 in the present petition) as an elected member of the Senate of the Gujarat University. The

said writ petition was dismissed by a Division Bench of the Gujarat High Court observing that the petitioner had not established his credentials and bona fide for pursuing the petition.

7. Even in the present petition nothing has been shown as to how the writ is in the nature of public interest. On the basis of the averments in the petition, we are unable to hold that the matter involves any element of public interest and, therefore, we decline to entertain this petition.

8. The petition is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

MARCH 03, 2016

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