

\$~43

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

Date of Decision: 31.07.2019

+ W.P.(C) 1345/2019

DR. INDRAJIT LAXMANRAO KHANDEKAR Petitioner

Through: Mr. Gaurav Kumar Bansal, Adv.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Vikram Jetley, Adv. with

Ms.Gargi Khanna, G.P. for UOI

Mr. T. Singhdev, Mr. Tarun Verma & Mr. abhijit
Chakravorty, Advs. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This public interest litigation has been preferred with the following prayers:

“a. Issue Writ / Order / Direction in the nature of Mandamus against the Respondent No.01 and Respondent No. 02 to release and implement the REVISED GRADUATE MEDICAL EDUCATION REGULATION (as amended till date) forthwith.

b. Pass any other Writ / Order / Direction as this Hon'ble Court may deems fit and proper.”

2. Having heard the counsels for both the sides and looking into the facts and circumstances of the present case and also the counter affidavit filed by respondent No.2 – Medical Council of India, more particularly paragraphs 5

and 6 of the said counter affidavit which read as under:

“5. It is respectfully submitted at the very threshold that the "Competency Based Undergraduate Curriculum for the Indian Medical Graduate, 2018" has been implemented for the batch of students to be admitted in MBBS course in the various medical colleges of the Country from the academic year 2019-20 i.e. August, 2019. However, the batches of students admitted in MBBS course in the various medical colleges of the Country, prior to academic year 2019-20 shall complete their course as per the then existing curriculum for the sake of continuity as well as uniformity.

6. It is submitted at the outset that the petitioner is filing the present writ petition in the capacity of Vice President of the Noble Action Consortium for Progress of Forensic Medicine & Toxicology, which is stated to be an NGO. The petitioner in the present writ petition has failed to disclose that he, in the capacity of Incharge Clinical Forensic Medical Unit & Associate Professor, Department of Forensic Medicine & Toxicology, Mahatma Gandhi Institute of Medical Sciences & Kasturba Hospital, Sevagram, Wardha, Maharashtra was one of the Contributing Subject Experts for the subject of Forensic Medicine & Toxicology towards the drafting of the "Competency Based Undergraduate Curriculum for the Indian Medical Graduate, 2018". A perusal of the list of contributing subject experts would clearly establish the same. Thus, it is evident that the petitioner has a vested interest in the implementation of the "Competency Based Undergraduate Curriculum for the Indian Medical Graduate, 2018" and the same would render the present Public Interest Litigation as not maintainable as well as liable to be rejected. It is prayed accordingly.”

3. Thus, looking to the aforesaid aspects of the matter, it appears that respondent No.2 has already incorporated the aforesaid curriculum of the MBBS for the students who have started their study from August, 2019 onwards.

4. Thus, we see no reason to give direction to the respondents as to which subjects are to be taught and how they are to be taught to the students of the MBBS Degree.

5. With the aforesaid observation, this writ petition is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 31, 2019

ns

