DMC/DC/F.14/Comp.2011/2/2020/ 18th March, 2020

**O R D E R**

**The Delhi Medical Council through its Disciplinary Committee examined a matter wherein** it is noted that vide order No.DMC/DC/F.14/ Comp.2011/2/2017/265499 to 265507 dated 11th September, 2017 in complaint No. 2011, besides imposing penalty of suspension of 365 days on Dr. Vikas Patel, the Delhi Medical Council has also indicted Dr. Govind Anoop Raj for act of professional misconduct. However, since at the time of passing of the aforementioned order, Dr. Govind Anoop Raj did not hold valid registration with Delhi Medical Council, as his name already stood deleted w.e.f. 19th May, 2017 under Delhi Medical Council registration No.15302, on account of non renewal, no punishment in terms of warning or suspension of registration was inflicted on Dr. Govind Anoop Raj. It is noted that subsequently, Dr. Govind Anoop Raj had renewed his registration with Delhi Medical Council. In view of the fact that Dr. Govind Anoop Raj had renewed his registration with Delhi Medical Council and the Delhi Medical Council in its order dated 11th September, 2017 has indicted Dr. Govind Anoop Raj for professional misconduct; this matter was taken up for determining the punishment to be inflicted upon Dr. Anoop Raj.

The Order of the Disciplinary Committee 17th February, 2020 is reproduced herein-below :-

**The Disciplinary Committee of the Delhi Medical Council examined a matter wherein** it is noted that vide order No.DMC/DC/F.14/ Comp.2011/2/2017/265499 to 265507 dated 11th September, 2017 in complaint No. 2011, besides imposing penalty of suspension of 365 days on Dr. Vikas Patel, the Delhi Medical Council has also indicted Dr. Govind Anoop Raj for act of professional misconduct. However, since at the time of passing of the aforementioned order, Dr. Govind Anoop Raj did not hold valid registration with Delhi Medical Council, as his name already stood deleted w.e.f. 19th May, 2017 under Delhi Medical Council registration No.15302, on account of non renewal, no punishment in terms of warning or suspension of registration was inflicted on Dr. Govind Anoop Raj. It is noted that subsequently, Dr. Govind Anoop Raj had renewed his registration with Delhi Medical Council. In view of the fact that Dr. Govind Anoop Raj had renewed his registration with Delhi Medical Council and the Delhi Medical Council in its order dated 11th September, 2017 has indicted Dr. Govind Anoop Raj for professional misconduct; this matter was taken up for determining the punishment to be inflicting upon Dr. Anoop Raj.

The Disciplinary Committee perused the order No.DMC/DC/F.14/ Comp.2011/2/2017/265499 to 265507 dated 11th September, 2017 in complaint No. 2011, written statement of Dr. Govind Anoop Raj and other documents on record.

Dr. Govind Anoop Raj presented himself before the Disciplinary Committee and was heard in person.

Dr. Govind Anoop Raj in his written statement averred that he will like to submit his reply on both the aspects, firstly, with respect to the incident which led to imposing penalty of suspension of 180 days on Dr. Vikas Patel and secondly for indicating his for the act of professional misconduct u/s 15(3) of the Indian Medical Council Act, 1956. With respect to first aspect, he humbly submits that on 03.10.2014, when the alleged incident of unfortunate death of the son of the complainant Shri S.R. Singh occurred, he was not in the hospital and he learnt about the same from Dr. Vikas Patel, when he came to the hospital for attending his routine duties. It is true that he had not filed his written statement, when the matter was before the Disciplinary Committee, however, when he appeared before the Disciplinary Committee, he have made my oral submissions, as he had not done any act of omission or commission in that respect and his name was dragged unnecessarily. It is further pertinent to mention here that Dr. Vikas Patel had already admitted that he (Dr. Vikas Patel) had informed him about the releasing of the body of the son of the complainant, only after he had already released the body and further informed him that post mortem is not to be conducted nor any MLC was to be initiated. He (Dr. Vikas Patel) informed him about the said facts only after he (Dr. Vikas Patel) had taken the decision on his (Dr. Vikas Patel) own that he (Vikas Patel) did not want to get conducted the post mortem at all. He was not involved in this decision making and no permission was not sought from him in this regard, but after the body had been released, he (Dr. Vikas Patel) just informed him about the same. Apart from this, he had no role to play in the entire incident, hence, he requested to kindly absolve him for the allegation in this respect. With respect to the second aspect of the alleged act of professional misconduct, it is humbly submitted that he has been registered with the Karnataka Medical Council vide registration no.22504/29/1983, which is life time registration. Subsequently, he also got registered with the Delhi Medical Council vide registration no.15302 but due to his callous attitude, he could not get renewed the said registration of the Delhi Medical Council, therefore, the said registration expired on 19.5.2007, however, he got the said registration renewed on 6.9.2017 for a period of 5 years, the said certificate was issued on 11.9.2017 by the Delhi Medical Council. It is important to mention here that which getting his registration renewed, he also deposited the fine imposed in respect of the previous years for which registration was not renewed due to his callous attitude and the same was duly accepted at the time of renewal and thereafter, his registration certificate was renewed. Once the said renewal of the registration has been approved, for which, the acknowledgement has been issued to him. The same amounts to condoning his act of omission/callous attitude, hence, the provision of the section 15 (3) of the Indian Medical Council Act, 1956 does not apply in such circumstances. He also humbly submits that a bare perusal of section 15(2) of the Indian Medical Council Act, 1956 shows that the Medical practitioner for practicing medicine has to be enrolled with the State Medical Register. It is pertinent to mention here that during the period when his registration with Delhi Medical Council was due for renewal, he was still registered with Karnataka Medical Council and once he was enrolled with the State Medical Register as per the provision of section 15(2)(b) of the Indian Medical Council Act, 1956, as Medical Practitioner, he can practice in any state. Since he was fully covered under this Provision of the Indian Medical Council Act, 1956 is not applicable to the facts and circumstances of his case. In view of the aforementioned facts and circumstances and in the interest of justice, he humbly prays to withdraw the show cause notice and to look into the matter legally and sympathetically.

In light of the above, the Disciplinary committee observes that the Order dated 11th September, 2017 of the Delhi Medical Council wherein in addition to Dr. Vikas Patel, Dr. Anoop Raj (Dr. Govind Anoop Raj) was also indicted by the Delhi Medical Council, was never challenged by Dr. Anoop Raj before any appellate authority or Court of Law, hence, the findings against Dr. Anoop Raj in the said order has attained finality. It will be not out of place to note that the Medical Council of India in Appeal dated 8.11.2017 filed by Shri S.R. Singh, the complainant in complaint 2011 against Order dated 11.9.2017 as well as in appeal dated 9.10.2017 filed by Dr. Vikas Patel against Order dated 11.9.2017 of the Delhi Medical Council vide decision no. MCI-211(2)(91)(102+104-Appeal)/2017-Ethics/151271 dated 30.9.2019, has upheld the Delhi Medical Council’s Order dated 11.9.2017.

It is also noted that Delhi Medical Council in its meeting held on 20th November, 2019 already has decided to withdraw the criminal prosecution initiated against Dr. Anoop Raj in terms of its Order dated 11th September, 2017.

In view of the above, the Disciplinary Committee deems it fit to recommend issuance of warning to Dr. Anoop Raj (Dr. Govind Anoop Raj, Delhi Medical Council Registration No.15302) for his act of professional misconduct determined by the Delhi Medical Council in Order dated 11th September, 2017.

Matter stands disposed.

Sd/: Sd/: Sd/:

(Dr. Subodh Kumar), (Dr. Ashwini Dalmiya) (Dr. Brijesh Sharma)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

 Disciplinary Committee

The Order of the Disciplinary Committee dated 17th February, 2020 was confirmed by the Delhi Medical Council in its meeting held on 28th February, 2020.

The Council also confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Anoop Raj (Dr. Govind Anoop Raj, Delhi Medical Council Registration No.15302).

 By the Order & in the name

 of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to:-

1. Dr. Govind Anoop Raj, V 33/16,DLF Qutab Enclave, DLF city, Gurgaon, GURUGRAM, HARYANA-122010
2. Registrar, Karnataka Medical Council, 16/6, Miller Tank Bund Road, Vasanth Nagar, Banglauru, Karnataka 560052 (**Dr. Govind Anoop Raj is also registered with the Karnataka Medical Council under registration** (No-22504/29/11/1983) -**for information & necessary action.**
3. Secretary, Medical Council of India, Pocket-14, Sector-08, Phase-1, Dwarka, New Delhi-110077-**for information and necessary action.**

 (Dr. Girish Tyagi) Secretary