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

+ W.P.(C) 11915/2022, CM APPL. 35559/2022(Stay)

DR. VAISAKH SANAL Petitioner

Through: Mr. Abhijit Mishra, Ms. Payal Bahl,
Mr. Gaurav Singh, Mr. Rajan Raj,
Advs. with petitioner in person

versus

MAULANA AZAD MEDICAL COLLEGE & ORS Respondent

Through: Ms. Avnish Ahlawat, SC with Mr.
Nitesh Kumar, Ms. Aliza, Advs. for
R-1.
Mr. Arun Panwar, Adv. for R-1 and 2
with R-2 in person.
Mr. Anupam Srivastava, ASC with
Ms. Sarita Pandey, Adv. Mr.
Mohinder J.S. Rupal, Mr. Akash
Pathak, Advs. for University of Delhi.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER
16.09.2022

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The petitioner who is studying in the Maulana Azad Medical College has petitioned this Court assailing the office order of 28 July 2022. It appears that an allegation has come to be leveled against the petitioner and another Professor relating to the alleged removal of a skull from a dead body which had come to the hospital for the conduct of a postmortem. Taking note of the allegation which was leveled, the respondent College has debarred the petitioner from undertaking autopsy work in the meanwhile.

The Court is apprised by learned counsel for the petitioner that on that date as many as five postmortems were conducted in which the petitioner also participated. It was further submitted that apart from the petitioner there were various other staff and employees who were present and therefore the assumption that it was the petitioner who was responsible for the removal of the skull is wholly illegal and violative of the principles of natural justice.

Mr. Panwar, learned counsel appearing for the College, on the other hand, submits that taking into account the seriousness of the incident, the respondent College has already initiated an enquiry in which the petitioner shall be afforded due opportunity of hearing and that subject to the result of the enquiry further action shall be taken.

The Court then takes note of the contention of learned counsel for the petitioner who submits that the order of 28 July 2022 has come to be passed even before an enquiry had been initiated and as is now evident has been completed. In view of the aforesaid, it was contented that the impugned order is liable to be set aside in toto. The Court finds itself unable to sustain the aforesaid submission since the order of 28 July 2022 does not amount to the imposition of a punishment by the respondents. It only debars the petitioner from undertaking postmortem work till such time as the entire incident is enquired into.

In view of the aforesaid and bearing in mind the fact that the enquiry is ongoing, the Court disposes of the writ petition by observing that the respondent College shall ensure that the principles of natural justice are duly adhered to and the material which is proposed to be relied upon in that enquiry provided to the petitioner. The respondents shall ensure that the

petitioner gets an adequate opportunity to defend himself in the said proceedings. All contentions of respective parties, on merits, are kept open. The order of 28 July 2022 shall abide by the final decision that may be taken in the enquiry proceedings.

Accordingly, the writ petition along with pending application stands disposed of.

SEPTEMBER 16, 2022*/neha*

YASHWANT VARMA, J.