



2025:DHC:1665



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

% ***Date of Decision: 11.03.2025***

+ W.P.(C) 11438/2015 & CM APPL. 30153/2015

NAHAR SINGH KOTHARIPetitioner

Through: Mr. Ankur Chhibber and Mr. Nikunj
Arora, Advocates

versus

MEDICAL COUNCIL OF INDIARespondent

Through: Mr. T. Singhdev, Ms. Anum Hussain,
Mr. Abhijit Chakravarty, Ms. Yamini
Singh, Mr. Tanishq Srivastava, Ms.
Ramanpreet Kaur and Mr. Saurabh
Kumar, Advocates for R-1/NMC

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. Learned Counsel for the parties submit that in view of the Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022 [hereinafter referred to as the "Regulation, 2022"], more specifically, Regulation 3.2, the maximum age limit of appointment to an employment of a Teacher or Medical Superintendent or Dean or Principal or Director is the age of 70 years. Regulation 3.2 of the Regulations, 2022 is set out below:

"Regulation 3.2. The maximum age limit up to which a person can be appointed or granted extension or reemployed in service against the posts of Teacher or Medical Superintendent or Dean or Principal or Director or, as the case may be, which are required to be filled up as per the norms of the National Medical Commission in any Medical College/Institution for imparting Graduate and Post-Graduate medical education shall be 70 years."

2. Learned Standing Counsel appearing for the Respondent submits that



admittedly, the Petitioner has crossed that age. Thus, the issue has now become academic in nature. Learned Counsel for the Petitioner agrees with these contentions. He, however, submits that the stigma of the debarment will continue to come in the way of the Petitioner.

3. A perusal of the Impugned Order reflects that the reason for debarment was also in view of the fact that the Petitioner failed to submit the documents that were asked from him despite various opportunities. The relevant extract of the Impugned Order is set out below:

*“... The Committee discussed the matter in detail and observed that as the Principal, **Dr. Kothari failed to submit the documents as desired by the Committee despite of providing various opportunities, therefore,, the Committee decided to debar** Dr. N.S. Kothari, Principal of National Institute of Medical Sciences, Jaipur, permanently from undertaking any post of Principal/Dean or any Administrative post of similar nature in any university or medical college in future...”*

[Emphasis supplied]

4. Clearly the Petitioner will be unable to take appointments on any post in any medical college as is set out in Regulation 3.2 of the Regulations, 2022. However, given the fact that the finding of the Committee was with respect to the non-submission of the documents, this Court is of the opinion that the finding against the Petitioner are non-stigmatic in nature.

5. The Petition is disposed of in the foregoing terms. All pending applications stand closed.

6. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MARCH 11, 2025/v/pa

[Click here to check corrigendum, if any](#)