

T.V.George, LL.M
Advocate-On-Record
Supreme Court of India

Chamber: 223, New Lawyers Chamber,
Supreme Court of India
New Delhi - 110001
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Legal Notice

Date: 15.10.2015

Dr. Jayshreeben Mehta
President, Medical Council of India (MCI)
Pocket 14, Sector 8
Dwarka, New Delhi 110077

Dear Dr. Mehta:

Under instructions from my client, Dr. Kunal Saha, son of late Dr. J. Saha, permanent resident of 2704 Bridgeway Lane, Hilliard, Ohio 43026, USA and a local resident of 18/1 KumudGhoshal Road, Kolkata 700057, I hereby serve upon you the following Legal Notice *inter alia*:

1) That my client lodged a complaint/appeal with MCI in 2010 against one Dr. Ketan Desai, then MCI president, seeking disciplinary action under MCI "Code of Ethics & Regulations" as he was arrested by CBI for taking bribe allegedly in exchange of granting medical seats to a private medical college. MCI held Dr. Desai guilty for professional misconduct and directed to indefinitely suspend Dr. Desai medical registration and also directed him not to participate in any medical conference/group/association pending completion of full investigation.

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2) That after the initial few hearings, my client has not received any further communication from the MCI even after sending several letters/enquiries to the MCI over the past more than 3 years. To the best of my client's knowledge, his complaint/appeal is still pending for hearing and final adjudication by the MCI.

3) That my client recently obtained a document containing communication from the Indian Medical Association (IMA) pertaining to selection of Dr. Desai for the prestigious post of World Medical Association (WMA) president. My client was shocked to learn from the said communication from the IMA that the MCI has already reinstated Dr. Desai's medical registration clearly suggesting that the complaint/appeal that my client filed against Dr. Desai in 2010 had already been dismissed by MCI without any further hearing or knowledge of my client. In fact, the communication from IMA has categorically stated, "In December 2013, MCI had also revoked its earlier decision (to suspend Dr. Desai's medical registration)". A copy of the said communication from IMA is enclosed herewith and marked as Annexure- A for your reference.

4) That my client also obtained a report dated 31st October, 2014 from Mr. H.K. Jethi, MCI Chief Vigilance Officer (CVO), recommending you to take disciplinary action against Dr. Ajay Kumar, Dr. Sudipto Roy and Dr. Vinay Aggarwal (all MCI members) for their deliberate misrepresentation to promote Dr. Desai as the WMA president through fraudulent claim that all charges against Dr. Desai has been dropped by the

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Indian authority.

5) That a separate writ petition (PIL) has been filed recently in the Hon'ble Delhi High Court against MCI, IMA, WMA and others by a charitable organization (People for Better Treatment) against the wrongful selection of Dr. Desai as the WMA president-elect. Although there may not be a direct nexus between MCI, WMA and suspension of Dr. Desai's medical registration, the present status of Dr. Desai's license to practice medicine is clearly related to the writ petition which is pending before the Hon'ble Delhi High Court. For full disclosure, it is submitted that my client is also the president of the "People for Better Treatment".

6) This is also brought your notice that under Regulation 30 of the Medical Council of India Regulation 2000, the Medical Council of India is under obligation to provide a copy of the minutes of the meeting of the council to any person on a written requisition and on a payment of such fee as may be determined by the council.

In view of the points referred above and by the way of this Legal Notice, I hereby call upon you to please:

A) Provide a copy of the minutes of the meeting of the Ethics Committee, or Executive Committee of the Medical Council of India if any, in which the suspension of medical registration of Dr. Ketan Desai is revoked. My client undertake to pay any fee which may be determined by the council for the same.

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- B) Confirm the veracity, or lack thereof, whether my client's complaint/appeal against Dr. Ketan Desai was dismissed by the MCI. If so, when this decision was made and who were responsible for this decision? Also, provide a complete copy of the final order that reinstated Dr. Desai's license to practice medicine.
- C) Confirm/deny whether Dr. Desai's medical registration is suspended at the present moment.
- D) Provide the present status of the complaint lodged by my client against Dr. AjayKumar, member of MCI, for making false claim to reinstate Dr. Desai as the WMA president.
- E) Please provide what disciplinary action, as recommended by the MCI-CVO, adopted by the MCI against Dr. Ajay Kumar, Dr. Sudipto Roy and Dr. Vinay Aggarwal as mentioned above.

Unless a reasonable response to the specific queries made hereinabove from you within 7 days from receipt of this Legal Notice, my client may be compelled to take appropriate legal action against you and the MCI. Thank you.

Sincerely,


T.V. George