



## GOVERNMENT MEDICAL COLLEGE, SRINAGAR

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Subject: Engagement of Dr. Waleed Tariq Karra (Non PSC) Registrar In the Department of Dermatology, Government Medical College, Srinagar, provisionally on his own risk and responsibility.

OFFICE ORDER No: 147 -RA of 2020.

DATED: 29 -06-2020.

Whereas; vide this office Advertisement Notice No. 09 of 2020 Dated 21-01-2020 applications were invited for filling of up the posts of Registrars in various disciplines, from PSC confirmed/Non PSC doctors possessing requisite qualification in the concerned discipline; and

Whereas; In response to the aforementioned advertisement among others, of Dr. Waleed Tariq Karra submitted an application form in the office of the undersigned in the discipline of Dermatology; and

Whereas; while scrutinizing the documents it was found that the MD certificate submitted by the Dr. Waleed Tariq Karra was not registered in the Board of Governors, (In Supersession of Medical Council of India); and

Whereas; the said doctor, Dr. Waleed Tariq Karra (Non PSC) filed a service writ petition in the Hon'ble High Court through the medium of WP(C) 807/2020 and the Hon'ble High Court was pleased to pass the orders, which are reproduced as under: -

"Petition claims that he is eligible for applying for the post of Registrar in the discipline of Dermatology which post has been advertisement vide notice date 21<sup>st</sup> January, 2020.....

.....In the meantime, It is ordered that the petitioner will be permitted to participate in the selection process only if the official respondents determine his eligibility and find that he possesses the requisite qualification and experience etc., in accordance with the rules and advertisement notice"

Whereas; upon receipt of the direction from Hon'ble High Court, the petitioner was allowed to participate in the selection process provisionally on his own risk and responsibility; and

Whereas; Hon'ble High Court again passed the direction on 04.06.2020 which is reproduced as under: -

"..... Mr. M.S Reshi Learned counsel appearing for petitioner submits that the claim of the petitioner is against an academic arrangement and not against a permanent civil post therefore, no Jurisdiction reference.

Since the court has already Issued notice to the respondents for their response, therefore, the respondents shall consider the claim of the petitioner for his engagement against academic arrangement on the touch stone of his eligibility and as per rules"

Whereas; In compliance of the order passed by the Hon'ble High Court, this office Issued consideration order In favour of Dr. Waleed Tariq Karra vide Order No. 236 Dated. 12-06-2020 Issued under Endorsement No. Legal/MC/Sgr/54-56 Dated. 12-06-2020, operative part of which reads as under: -

"Now, therefore, keeping In vlew the totalltyof facts and circumstances explained above, claim of the petitioner has been considered in compliance with the order dated. 04-06-2020 passed by the Hon'ble Court In WP (C) No. 873/2020 titled Dr. Waleed Tariq Karra Vs. UT of J&K and others and found premature at this stage."

Whereas; Hon'ble High Court passed one more Interlm order on 15.06.2020, operative part whereof reads as under: -

"... In vlew of the above, let petitioner submit the requisitioned documents before the Principal, Government Medical College, Srinagar, within a period of one week and on recelpt of such documents, the Respondent-Principal, Government Medical College, Srinagar, shall ensure completion of selection In the discipline of Dermatology also In tune with the direction earlier passed for selection and engagement of the petitioner"

Whereas; Dr. Waleed Tariq Kara submitted an application alongwith requisite document on 17-06-2020 In the Office of the undersigned; and

Whereas; after securitizing the documents It was found that the document submitted by the doctor was not valid; and



Learned counsel for the petitioner submits that the notification reveals that there is no scope for Principal Government Medical College, Srinagar, to seek any verification from the petitioner regarding the recognition of degree. Probably the petitioner may not have submitted the notification along with representation as the same has not been discussed in the consideration order dated 22.06.2020. In that view of the matter, let the petitioner submit notification of Medical Council of India along with representation to Principal Government Medical College, Srinagar during the course of week and decision taken on such notification by the Principal Government Medical College Srinagar, within two weeks thereafter. In the event there is still any doubt with reference to MD degree of the petitioner, the Principal Government Medical College Srinagar take up the matter with the Medical Council of India for seeking such verification. Principal Government Medical College, Srinagar is directed to decide the matter in light of the observation made above and submit compliance by or before the next date."

Now in compliance to the Hon'ble High Court directions passed on 25.06.2020 in WP(C) 873/2020, Dr. Waleed Tariq Karra, (Non PSC) is hereby engaged as Registrar in the Department of Dermatology, Government Medical College, Srinagar provisionally on his own risk and responsibility till the clarification from the Board of Governors, (in supersession of Medical Council of India) regarding his MD degree certificate is received by this institution.

However engagement of the selected doctor shall be subject to the following conditions: -

- that the doctor shall submit his joining report in the office of the Principal/Dean Government Medical College, Srinagar within a period of (21) days from the date of issuance of the order, failing which his engagement order as Registrar shall be deemed to have been cancelled ab-initio and post shall be re-advertised in the interest of patient care and teaching programme.
- that he shall not be on the rolls of any other department at the time of joining as Registrar in Government Medical College, Srinagar

The appointment of the above doctors shall be further subject to the following terms and conditions:-

1. Before joining the Department the selectee shall submit an affidavit duly attested by the Judicial Magistrate/first class Magistrate to the effect that: -



Whereas; an order vide No. 136-RA of 2020 Dated. 22-06-2020 was issued and the operative part of which reads as under: -

"Now In absence of the pre-requisite document i.e. verification regarding the validity/authenticity of the degree certificate (MD Dermatology) by Medical Council of India, relating to the degree certificate of the petitioner and In accordance with the order dated 15-06-2020 passed by the Hon'ble High Court, whereunder seven day time was given to the petitioner to produce the requisite document, which he failed to do so, the claim of the petitioner does not merit consideration and hence Rejected in toto"

Whereas; the Hon'ble High Court passed another order dated. 25.06.2020, which reads as under: -

"In terms of order dated. 15-06-2020, the petitioner submitted representation in the office of Principal, Government Medical College, Srinagar, and on consideration the claim of the petitioner stands rejected on the ground that he has not furnished documents, viz the verification regarding validity/authenticity of the degree certificate (MD Dermatology) recognized by the Medical Council of India.

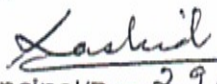
Learned counsel for the petitioner submits that there is no scope for seeking verification of the certificate from Medical Council of India in view of notification dated. 7<sup>th</sup> March, 2017, issued by Medical Council of India in exercise of powers conferred by Section 33 of the Indian Medical Council Act, 1956, which notification makes amendment in Schedule-II for point No. 7 as follows: -

"If a person with Postgraduate Medical Qualifications awarded in United States of America, United Kingdom, Canada, Australia and New Zealand desires to take up teaching appointments in medical college, his/her qualification can be considered as equivalent qualification with MD/MS/DM/M.Ch... as the case may be for the post of Assistant Professor in respective department in India. Further, promotions would be as per Minimum Qualifications for Teachers in Medical Institutions Regulations 1998"

Perusal of the notification reveals that the person awarding Postgraduate Medical Qualification in United Kingdom, Canada etc., in the event of taking job in a medical college in India, can be considered as equivalent qualification with MD/MS/DM/M.Ch., as the case may be, for the post of Assistant Professor in respective department.



- a. he/she is Non-PSC, the Information If found wrong the selectee shall be punished under Rules which includes confiscation of the Registration of the Doctor.
  - b. he/she will not participate in any kind of strike during the period of his/her tenure engagement. In the event he/she proceeded on strike, his/her tenure engagement shall be terminated without any notice as this service is covered under ESMA Act.
  - c. he/she shall remain disciplined during the tenure period, any kind of misconduct make him/her liable for termination without any prior notice.
  - d. he/she is not involved in any criminal activity or there is no FIR pending or registered in any criminal department or police station against him/her.
  - e. he/she leaving the job in midway shall not be entitled for any experience certificate.
  - f. he/she will not indulge himself/herself in any private practice. In case he/she is found doing private practice his/her appointment shall be terminated without any notice.
2. The above NPSC doctors shall have to execute an agreement with the Institution on a prescribed format (Form A) with regard to the various terms and conditions applicable during academic arrangement.
  3. That the doctor shall submit his joining report in the office of the Principal/Dean Government Medical College, Srinagar within a period of (21) days from the date of issuance of the order, failing which his engagement order as Registrar shall be deemed to have been cancelled ab-initio and post shall be re-advertised in the interest of patient care and teaching programme.
  4. The Registrars/Demonstrators appointed on Academic Arrangement basis shall be paid as SRO. 24 of 2019 Dated.10-01-2019.

  
 Principal/Dean 29/6/2020  
 Govt. Medical College  
 Srinagar  
 Dated. 29-06-2020

No. RA-MC/R/Derm/2079-84  
 Copy to:-

1. Addl. Advocate General for Information of the Hon'ble High Court. This is in reference to WP(C) 873/2020 Titled Dr. Waleed Tariq V/S Union Territory of J&K & Anr.
2. Joint Director, Information Department Srinagar for publication in two daily local leading news papers.
3. HOD Dermatology, Government Medical College, Srinagar for Information.
4. Chief Accounts Officer, Government Medical College, Srinagar for Information and necessary action.
5. Legal Assistant, Government Medical College, Srinagar for Information.
6. In-charge I.T. Section, Govt. Medical College Srinagar for Information with the direction to upload the order on the college website.

