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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 9<sup>th</sup> February, 2023*

+ **W.P.(C) 945/2023 and CM APPL. 6275/2023**

DR. SUBHASH VIJAYRAN ..... Petitioner  
Through: Petitioner in person.  
versus  
ABHIJIT MISHRA & ORS. .... Respondents  
Through: Respondent No.1 in person.  
Ms. Payal Bahl, Mr. Gaurav Singh &  
Mr. Rajan Raj, Advocates (M-  
9958740033)  
Mr. Ajay Kr. Aggarwal, Advocate for  
BCD.

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WITH

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**W.P.(C) 1326/2023**

DR. SUBHASH VIJAYRAN ..... Petitioner  
Through: Petitioner in person.  
versus  
UNION OF INDIA & ORS. .... Respondents  
Through: Ms. Payal Bahl, Mr. Abhijit Mishra,  
Mr. Gaurav Singh & Mr. Rajan Raj,  
Advocates for R-4, 6 & 7.  
Mr. Ajay Kr. Aggarwal, Advocate for  
BCD.  
Mr. Gautam Narayan, Advocate for  
GNCTD.

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AND

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**W.P.(C) 1492/2023**

ABHIJIT MISHRA ..... Petitioner  
Through: Ms. Payal Bahl, Mr. Abhijit Mishra,  
Mr. Gaurav Singh & Mr. Rajan Raj,  
Advocates with Petitioner in person  
versus  
BAR COUNCIL OF DELHI & ANR. .... Respondents  
Through: Mr. Ajay Kr. Aggarwal, Advocate for  
BCD.

**CORAM:  
JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J.(Oral)**

1. This hearing has been done through hybrid mode.

**W.P(C) 945/2023**

2. This writ petition has been filed by Dr. Subhash Vijayran against the Respondents - Mr. Abhijit Mishra, Dr. Vaisakh Sanal and the Bar Council of Delhi (BCD).
3. The prayer in the present writ petition is for taking disciplinary proceedings against Mr. Abhijit Mishra, who is an advocate registered with the BCD and certain other reliefs.
4. The case of Dr. Subhash Vijayran is that he is pursuing his MD at the Department of Forensic Medicine, Maulana Azad Medical College (MAMC). He has completed his MBBS degree and also holds an LLB degree. Dr. Subhash Vijayran joined the Department of Forensic Medicine on 20th October, 2022. It is his case that there are 13 doctors, in the said department and due to the internal rift between the various doctors, the functioning of the said department is severely impeded.
5. It is submitted by Dr. Subhash Vijayran that Mr. Abhijit Mishra represents some of the doctors with whom the Dr. Vijayran has a dispute. However, in this case, his allegation is that Mr. Abhijit Mishra has levelled various threats against him and has also interacted in Whatsapp communication with him on behalf of the doctors. The Petitioner has also placed on record extracts of the WhatsApp communication to show the manner in which, Mr. Abhijit Mishra has allegedly threatened him.

6. This Court has been hearing this matter and connected matters for the last few dates. It is seen that there are allegations levelled by both parties. Mr. Abhijit Mishra, who is an advocate, is representing three of the doctors from the Department of Forensic Medicine, MAMC namely Dr. Sreenivas M, Dr. Tayyaba Tanvir and Dr. Vaisakh Sanal. Clearly Mr. Abhijit Mishra, who are stated to have opposing interest to Dr. Subhash Vijayran. The WhatsApp communication and exchange of messages, which have been placed on record show that there is continuous communication between them. The content of the messages, if correct, show that there has been monetary demands by the Respondent no.1 from the Petitioner. In the *prima facie* opinion of this Court, Mr. Abhijit Mishra who is an Advocate ought not to have been entering into such communication with the opposing party – that too in such an improper and impermissible manner.

7. Accordingly, it is directed that the allegations raised in the present writ petition be treated as a complaint by Dr. Subhash Vijayran against Mr. Abhijit Mishra before the BCD. The same shall be examined by a Disciplinary Committee nominated by the BCD consisting of at least two designated senior advocates who shall file a report before the Court giving their recommendations in the matter.

8. The said exercise shall be completed within two months. The Disciplinary Committee of the BCD shall be constituted within one week and the first hearing shall take place on 22nd February, 2023 at 4:00 pm in any chamber/office in the High Court premises.

9. List this matter on 19th April, 2023.

**W.P.(C) 1326/2023**

10. This petition has been filed by Dr. Subhash Vijayran. His case is that

there are various factions within the Department of Forensic Medicine, MAMC, who are indulging in activities, which are impeding the functioning of the department. Thus, he prays for an enquiry to be conducted in respect of the role being played by various doctors including Dr. Sreenivas M, Dr. Amandeep Kaur, Dr. Tayyaba Tanvir, Dr. Vaisakh Sanal, Dr. Upender Kishore and Dr. Dhiraj D. Buchade.

11. Mr. Gautam Narayan, Id. Counsel appearing for the Dean, MAMC submits that there are two factions of doctors in the Department of Forensic Medicine, MAMC and the same is the cause of the entire controversy in these matters. One faction is led by Dr. Sreenivas M and another faction is led by Dr. Upender Kishore.

12. The Department of Forensic Medicine, MAMC ought to function in an efficient manner in the larger interest of the public and patients. Such disputes between doctors is detrimental to the interest of the hospital itself and cannot be permitted to continue unabatedly. Accordingly, Dr. Anil Aggarwal, officiating Dean, MAMC shall, interact with all the doctors in the Forensic Medicine department and make enquiries. Dr. Aggarwal shall place his report on record in a sealed cover within one week.

13. List this matter on 3rd March, 2023 for consideration of the report.

**W.P.(C) 1492/2023**

14. The present petition has been filed by Mr. Abhijit Mishra against the Bar Council of Delhi seeking cancellation of the bar license of Dr. Subhash Vijayran. The ground on which cancellation is sought is that since Dr. Vijayran is working in the Department of Forensic Medicine, MAMC and is earning salary from there, his license to practice as an advocate ought to be suspended/cancelled.

15. Dr. Subhash Vijayran submits that he has filed a writ petition being **W.P(C) 150/2023** titled **Dr. Subhash Vijayran v. Bar Council of Delhi**, before the Hon'ble Supreme Court wherein he has sought the following prayers:

*“(a) Direct that the impugned Rules No. 103 and 104 under Chapter VIII of The Rules of The Bar Council of Delhi, or any other similar rules, that prohibit Advocates enrolled with the Council to simultaneously be in full or part time service or employment or engaged in any other trade, business or profession, and also the rigors of the Judgment dated 08.04.1996, of this Hon'ble Court passed in Dr. Haniraj L. Chulani vs. Bar Council of Maharashtra & Goa. [1996] Supp.1 SCR 51 - shall not be applicable to the new entrants to the bar during their initial ten (10) years of practice so as to enable them to establish their law practice, without facing sustenance issues, provided that the other service, employment, trade, business or profession is not derogatory to the noble profession of Law.  
(b) Direct the Bar Council of Delhi to place the Profession of Medico-Legal Doctors (MD Forensic Doctors) in the list of exceptions under Rule 103 (v), Chapter VIII of The Rules of The Bar Council of Delhi.”*

16. He has also filed an application for stay being **I.A. No. 27382 of 2023** in **WPC 150/2023** before the Hon'ble Supreme Court, with the following prayer:

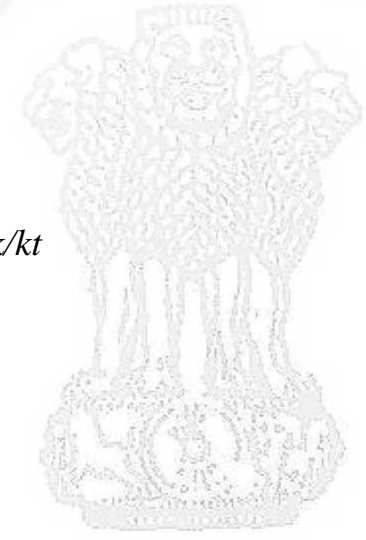
*“(a) Grant an ad-interim stay on all proceedings, either presently pending, or be filed in future, before the Hon'ble Delhi High Court and also before the Bar Council of Delhi, concerning the issue of revocation/ cancellation of my Bar License [D/6633/2019] on the grounds that I am simultaneously practicing as an MD Forensic*

*Medicine Doctor at Maulana Azad Medical College,  
New Delhi.”*

17. Dr. Vijayran submits that the said petition is likely to be listed shortly. Accordingly, this issue shall be considered on the next date of hearing.
18. List on 19<sup>th</sup> April, 2023.
19. Copy of the electronic record be made available to the parties including the Id. Counsel for Bar Council of Delhi.
20. Copy of the order be given *dasti* under the signature of the Court Master.

**PRATHIBA M. SINGH  
JUDGE**

**FEBRUARY 9, 2023/dk/kt**



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