

Party Name : TANDRA DAS Vs MEDICAL COLLEGE OF INDIA & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Mr. K. Nath, learned counsel appearing for the respondent No.2, Tripura State Medical Council has fairly acceded that the decision taken by the Tripura State Medical Council on the basis of purported inquiry and without any opportunity of hearing to the petitioner herein who lodged a complaint of misconduct against the respondent No.3 was not proper. The respondent No.2 has decided to recall the said decision, impugned in this petition. Mr. Nath, learned counsel has further submitted that Tripura State Medical Council shall recall and cancel the earlier inquiry report subject to that they would institute a fresh inquiry where the petitioner shall be given adequate opportunity for making her say or lay evidence in respect of the complaint.

Mr. P.K. Biswas, learned senior counsel appearing for the respondent No.3 and Mr. Suman Bhattacharji, learned counsel appearing for the petitioner have submitted in unison that if the said course is adopted, they would not have any objection.

In view of that, this writ petition is disposed of with direction that a fresh inquiry shall be conducted by the respondent No.2 in respect of the complaint of the petitioner as regards the alleged misconduct of the respondent No.3, when the petitioner shall be given adequate opportunity for laying her materials in support of the complaint. It is needless to say the respondent No.3 shall also be given reasonable opportunity to lay his defence against the allegations.

The respondent No.2 shall not take any notice of the findings of the previous inquiry. The fresh inquiry shall invariably be completed within a period of 6(six) months from today. A copy of this order be furnished to the learned counsel for the parties.