

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1071/2015

(DR.ANJAN RAGHUNATH BASAK **VERSUS** DR.KISHOR TAORI, PRESIDENT OF M.M.C., MUMBAI)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

The petitioner in person.
 Shri V.P. Panpalia, counsel for the respondent.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : JULY 28, 2015.

By this petition, the petitioner seeks a direction to Dr.Kishor Taori to revoke the medical registration suspension within seven days. The petitioner seeks a declaration that Mrs.Anjali Vagga and Dr.Meghali Kaple had lodged false complaints in respect of sexual harassment to the police at Wardha and also to the Maharashtra Medical Council. The petitioner seeks a declaration that the respondent-President of the Maharashtra Medical Council, suspended the medical registration as per his wish due to the conflict of interest with the first fake Vice Chancellor of the University Dr. Ved Prakash Mishra. Also, a declaration is sought against Dr.Ramesh Dahigaokar and Shri R.G. Janjal, Mrs.Anjali Vagga, Dr.Meghali Kaple and the lawyer of the university named in the prayer clause for being involved in ensuring the suspension of the medical registration of the petitioner. Charges are sought to be framed by the petitioner against Dr.Kishor Taori for the illegal selection of second Vice Chancellor Dr.Anil Patwardhan. A declaration is also sought that Dr.Kishor Taori can no longer hold the post of President, Maharashtra Medical Council. Costs are sought by the petitioner from the respondents to the extent of Rs.50,000/- (Rupees Fifty Thousand) within ten days. Certain ancillary reliefs are also sought.

On a reading of the writ petition and on a perusal of the prayer clauses, it appears that the writ petition is not tenable. Declarations are sought by the petitioner against several doctors, Vice Chancellors and against the counsel of the university without joining them as parties. Also, if the petitioner is aggrieved by the suspension of his medical registration by the Maharashtra Medical Council, the petitioner can file an appeal to the Medical Council of India. In stead of filing an appeal before the Medical Council of India, it is informed to this Court by the learned counsel for the respondent that an appeal was sought to be filed by the petitioner before the Maharashtra Medical Council. An appeal against the order of the Maharashtra Medical Council cannot lie to the Maharashtra Medical Council. As per the provisions of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, the appeal against the order suspending the medical registration would lie before the Medical Council of India. The writ petition cannot be entertained even against the order of suspension of the medical registration in view of the existence of an alternate efficacious remedy. The other reliefs sought by the petitioner cannot be considered and/or granted in exercise of the writ jurisdiction, more so, when the persons against whom certain declarations are sought are not joined as parties to the petition.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

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