

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 11430 of 2015 (C)

PETITIONER(S):

- 1. DR.ZULFIKAR ALI,
MBBS, MD, KOZHIKKAL'S,
CHEMMAD, THIRURANGADI, MALAPPURAM.**
- 2. DR.SHIJU STANLEY, MBBS, MD, SEILOWM,
UDIYANKULANGAR, AMARAVILA. P.O.,
NEYATTINKARA, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER.

RESPONDENT(S):

- 1. MEDICAL COUNCIL OF INDIA,
REPRESENTED BY ITS SECRETARY, POCKET-14,
SECTOR-8, DWARAKA, NEW DELHI-110 077.**
- 2. TRAVANCORE COCHIN COUNCIL OF MODERN MEDICINE,
RED CROSS ROAD, THIRUVANANTHAPURAM-695 001,
REPRESENTED BY ITS REGISTRAR.**

**R1 BY ADV. SRI.TITUS MANI VETOM, SC.
R2 BY ADV. SRI.N.RAGHURAJ, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE REPORT DATED 01.01.2013 ISSUED BY THE CENTRAL BUREAU OF INVESTIGATION, ANTI CORRUPTION BUREAU TO THE SECRETARY, MEDICAL COUNCIL OF INDIA.
- P2- TRUE COPY OF THE NOTICE MCI-211(2)(621)(CBI-105) DATED 23.08.2014 ISSUED BY THE MEDICAL COUNCIL OF INDIA TO THE 1ST PETITIONER.
- P3- TRUE COPY OF THE SHOW CAUSE NOTICE NO.MCI-211(2)(621)(CBI-122/2012-ETHICS/06223 DATED 07.05.2014 ISSUED BY THE MEDICAL COUNCIL OF INDIA.
- P3(A)- TRUE COPY OF THE E-MAIL REQUEST BY 2ND PETITIONER.
- P4- TRUE COPY OF ORDER NO.MCI-211(2)(621)(CBI)/2012/ETHICS/165952 DATED 16.03.2015 ISSUED BY THE MEDICAL COUNCIL OF INDIA.
- P5- TRUE COPY OF THE ORDER NO.MCI-211(2)(621)CBI/2012 ETHICS/165952 DATED 16.03.2015.
- P6- TRUE COPY OF THE CLAUSE 7 OF THE REGULATIONS.
- P7- TRUE COPY OF THE ORDER NO.MCI-211(2)(621)(CBI-B1)/2012-ETHICS/62482 DATED 27.02.2015 ISSUED BY THE MEDICAL COUNCIL OF INDIA.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.11430 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i) issue a writ of certiorari calling for the records leading to Exts.P4 and P5 and quash the same.

ii) such other appropriate writ order or direction as this Honourable Court may deem fit and proper to meet the ends of justice."

2. Heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the respondents.

3. It is brought to the notice of this Court during the course of hearing that the challenge raised by the petitioner against Exts.P4 and P5 can be successfully pursued by the petitioners by filing necessary appeals by virtue of the enabling the provision under the statute by way of Section 24(2) of the Indian Medical Council Act.

4. In the above circumstances, the petitioners are relegated to pursue the statutory remedy as above. Without prejudice to the rights and liberties of the petitioners to pursue such remedy, the writ petition stands disposed of.

So as to enable the petitioners to pursue such remedy, coercive proceedings, if any, pursuant to the Exts.P4 and P5 orders shall be kept in abeyance for a period of 'one month'.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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