

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.8771 of 2005

ORDER:

The petitioner, a member of the Medical Profession, challenges the proceedings No.34(c)/2004-Med/19578 dated 01.11.2004 issued by the Medical Council of India, whereby his name was directed to be erased from the Indian Medical Register temporarily and he was held ineligible for teaching at any Medical College for the academic years 2005-06 and 2006-07.

It is fairly conceded by the learned Standing Counsel for the Medical Council of India that the matter is squarely covered by the Judgment dated 05.04.2005 of a Division Bench of this Court in Writ Appeal No.2107 of 2004 and batch. A copy of the said Judgment is placed before me and reflects that the Division Bench was of the opinion that the order passed by the Medical Council, which was akin to the order passed in the present writ petition, was unsustainable as there was no regulation which prohibited a Doctor from teaching in more than one institution. The Division Bench, however, left it open to the Medical Council to institute an enquiry as to whether there was any infraction of other applicable regulations, more specifically para No.7.7 of the Regulations of 2002.

In the light of the aforestated Judgment of the Division Bench, the order impugned in the writ petition is set aside giving liberty to the Medical Council of India to initiate appropriate action, in the event of the petitioner violating any other applicable regulations including para No.7.7 of the Regulations of 2002.

The writ petition is allowed.

Pending miscellaneous petitions, if any, shall stand closed

in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:01.09.2015

GJ