

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No. 28159 OF 2008

DATE: 19.01.2015

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Between:

Dr. B. Ramachandraiah

... Petitioner

And

The State of A.P., rep., by its Principal Secretary,
Medical and Health Department,
Hyderabad & others.

... Respondents

This Court made the following:

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No. 28159 of 2008

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ORDER: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

It appears that without making any complaint to the Medical Council of India (for short 'MCI') the present writ petition has been filed seeking writ of Mandamus directing the respondents to inspect the 4th respondent college and enquire the genuineness of declarations submitted to MCI during the years 2006 to 2008 and take appropriate action for giving false declarations and to withdraw the status of 4th respondent college as "Semi Autonomous Institution" and recognition conferred in G.O.Ms.No.359 Health, Medical and Family Welfare (EI) Department dated 06.12.2007 till the infrastructure and sufficient teaching staff are provided.

It is settled law that before approaching this Court for a writ of Mandamus one must make a demand of justice, unless such demand is idle formality, no such case has been made out.

It is submitted by the learned counsel for the MCI that after recognition was granted neither the writ petition nor any other person has complained to the MCI.

From the writ petition we do not find that any first information

report has been lodged for making false declarations for inspection or for taking action either with the police or any other authority.

We therefore close the writ petition giving liberty to the petitioner, if so advised, to make a complaint as a member of the public, not as an employee or staff of the institution in question regarding the alleged irregularity of false declarations to the appropriate authority.

Pending miscellaneous petitions, if any, shall also stand closed.

No order as to costs.

K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 19.01.2015

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