

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.17987 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 1st respondent.

The order of the 1st respondent, dated 01-06-2015 in removing the petitioner's name from the Medical Register of the 1st respondent for a period of six months from 01-06-2015 is questioned in this writ petition.

Learned counsel for the petitioner states that the complaint on the basis of which the aforesaid proceedings were initiated by the 1st respondent itself was withdrawn by the complainant and the affidavit of the complainant to that effect was also filed before the 1st respondent on 09-02-2015. He also submits that the alleged Medical Certificate said to have been issued by Dr.M.Rami Reddy of the petitioner's Nursing Home has not been examined nor his evidence is considered. Merely on the basis of the complaint, the punishment, as above, was imposed. Though various contentions, as above, were raised by the learned counsel for the petitioner, it is to be noted that the Indian Medical Council has made various Regulations particularly with regard to the standards of professional conduct, code of medical ethics etc., to be observed by the Medical Practitioner. The said Regulations are taken into consideration by the Medical Council and on finding that the petitioner has violated the regulations and taking note of the above Regulations, has passed the impugned order. Against the said order, the petitioner has an effective alternative remedy of appeal to the State Government under Section 25 of the A.P.Medical Practitioners Registration (Amendment) Act, 1986.

Since the petitioner has an effective alternative remedy, no ground exists to entertain the present writ petition.

Hence, the writ petition is disposed of giving liberty to the petitioner to approach the appellate authority against the order impugned and seek appropriate interim order or final order from the appellate authority.

Since the petitioner is running a Nursing Home and her profession is likely to be affected by enforcement of the order of punishment, the impugned order shall remain stayed for a period of four weeks from today. Meanwhile, the petitioner may prefer an appeal and seek appropriate orders from the appellate authority. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 26-06-2015

Note:

Issue C.C. in three days

(B/o)

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.17987 of 2015

26-06-2015

Prv