

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7019 of 2015

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Sumant Shmant Rai, S/o- Raghubansh Rai, R/o- Rajiv Nagar, Road No.- 24, P.S.-
Rajiv Nagar, District- Patna

.... Petitioner/s

Versus

1. The Union of India through Health Secretary, Government of India, New Delhi
2. The Health Secretary, Government of India, New Delhi
3. The Joint Secretary, Health Department, Government of India, New Delhi
4. The Health Secretary, Government of Bihar, Patna
5. The Chairman, Medical Council of India, New Delhi
6. The Secretary, Medical Council of India, New Delhi
7. The Inspector General, Economic Offence Department, Government of Bihar,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Advocate
Mr. Sanjeet Kumar Tiwari, Advocate
Mr. Alok, Advocate.

For the M.C.I. : Mr. Kumar Brij Nandan, Advocate.

For Respondent No. 7 : Mr. Vishwanath Pd. Sinha, Sr. Advocate.
Mrs. Soni Shrivastava, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 30-11-2016



The petitioner has invoked the writ jurisdiction of this Court in public interest claiming a writ of mandamus for directing the respondents to take appropriate action against the doctors who have been found guilty of prescribing unnecessary medicines and unnecessary pathological and other medical examination as per the findings of the Medical Council of India.

2. In the counter affidavit filed on behalf of the Medical Council of India, it is stated that the Ethics Committee in its meeting held on 16th of December, 2014 examined the report submitted by a Three Member Committee and decided to refer the matter to respective State Medical Council for further investigation by the concerned State Medical Council for alleged violation of Clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 by 300 doctors within a period of three months. A letter dated 1st of April, 2015 in this respect has been appended with the counter affidavit. It appears that even though three months have expired long back, appropriate proceedings have not been concluded by the State Medical Council.

3. Consequently, we dispose of the present writ application with a direction to the Bihar Council of Medical Registration to conclude the proceedings referred to by the Medical



Council of India expeditiously but definitely within a period of three months.

(Hemant Gupta, ACJ)

(Chakradhari Sharan Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.12.2016
Transmission Date	

