IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8467 OF 2016

Dr. Umesh Ramnarayan Mundada ...PETITIONER

versus

The State of Maharashtra & ors ...RESPONDENTS

.....

Mr. Rameshwar F. Totala, Advocate for Petitioner
Mr. S.G. Karlekar, AGP for respondent No. 1
Mr. G.G. Kadam, Advocate for respondents No. 2 and 3
Mr. S.K. Kadam, Advocate for respondent No. 4

.....

CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.

DATED : 16th SEPTEMBER, 2016.

Order :-

1. The petitioner is objecting to the order passed by Maharashtra Medical Council, Mumbai (for short "MMC") on 26-07-2016 directing suspension of registration of the petitioner as Medical Practitioner on account of indulging in unethical conduct, which according to MMC, is violative of provisions of Article 6. 1 of the Code of Ethics contained in Chapter 6 of the notification issued by Medical Council of India (for short "MCI"). The petitioner allegedly published advertisement in various news papers in relation to his practice as sexologist. Publication of advertisement by a registered medical practitioner for boosting his private practice is prohibited under the Code of Ethics formulated by MCI. The petitioner is prohibited from continuing private practice in view of suspension of registration since 26-07-2016 and as on this date

proceedings of enquiry has not progressed at all.

2. Learned counsel appearing for MMC states on instructions that governing body of MMC is dissolved and administrator is appointed to look after the affairs of MMC. The administrator, who is under obligation to take appropriate steps and conduct the elections to install the elected Executive Committee/Ethical committee. Since administrative body of the MMC is dissolved and there is no Executive Committee/Ethical Committee in existence and also elections for electing new body have also not yet been declared and it may take several months for completing constitution of Ethical Committee, which is empowered under regulations to take decision in enquiry proceedings initiated against petitioner, it would be appropriate to suspend impugned adverse order.

3. Considering these peculiar facts of the case, we deem it appropriate to keep in abeyance the order dated 26-07-2016 passed by the MMC directing suspension of registration of petitioner as medical practitioner. Order impugned in this petition, therefore, stands suspended. On constitution of Executive Committee/Ethical Committee, such Committee may take appropriate decision in the matter in accordance with provisions of rules and after extending opportunity of hearing to the petitioner. Order passed by this court directing suspension of the registration of petitioner, impugned in this petition shall not be construed as expression of opinion by this Court as regards merits of claim or defence raised by petitioner and it would be open for the Executive Committee/Ethical Committee to take appropriate decision in the matter. If decision of the Executive Committee/Ethical Committee is adverse to the interest of the petitioner, it would be open for the petitioner to avail of alternate remedy as would be

permissible in law. The petitioner undertakes not to indulge in unethical practice hereinafter.

4. With directions as above, writ petition stands disposed of. No costs.

Sd/- Sd/-

[K. K. SONAWANE, J.] **[R.M. BORDE, J.]**

MTK