

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (LODGING) NO.1284 OF 2016**

|                                 |                  |
|---------------------------------|------------------|
| Dr. Suryanath Tripathi          | .... Petitioner  |
| V/s.                            |                  |
| The State of Maharashtra & Ors. | .... Respondents |

Mr. Mihir Desai, Senior Counsel, i/by  
Ms. Anushka Shreshtha and Ms. Aafrin  
Shaikh, for the Petitioner.

Ms. P.H. Kantharia, G.P., for Respondent No.1.

Mr. Rahul Sarda, i/by Ms. Sangeeta Yadav, for  
Respondent No.2.

**CORAM : S.C. DHARMADHIKARI &**  
**DR. SHALINI PHANSALKAR-JOSHI, J.J.**

**DATE : 7<sup>TH</sup> JUNE, 2016.**

**P.C. :**

1. After the Petition was argued for some time and the Court expressed its disinclination to interfere in writ jurisdiction with the findings of fact in the impugned order, but called upon the Petitioner to argue on the extent of punishment or penalty imposed under the impugned order, a submission was made by the learned Senior Counsel appearing for the Petitioner that, without considering the principle or doctrine of proportionality in matters of penalty and punishment to be awarded or imposed, Respondent No.2-Maharashtra Medical Council has like in all other cases, in this case as well, directed removal of the Petitioner's name from its Register for a period of six months. This has caused serious loss and prejudice to the Petitioner and his livelihood is in jeopardy.

2. On the other hand, learned counsel appearing for Respondent No.2-Maharashtra Medical Council supported the impugned order even on the point of punishment and submits that the order must be read as a whole.

3. Considering the extent of irregularities and illegalities so also a serious breach of the Code of Ethics, the ultimate punishment is justified, according to Respondent No.2-Maharashtra Medical Council.

4. After having heard counsel on this limited point and finding that the Petition is not pressed as far as the merits of the charges and the findings against the Petitioner, we are of the view that a punishment of removal of the Petitioner's name from the Register of the Maharashtra Medical Council from 30<sup>th</sup> April 2016 to 30<sup>th</sup> June 2016, both days inclusive, would serve the ends of justice.

5. The Petitioner can, after compliance with all rules and regulations and laws, resume his medical practice from 15<sup>th</sup> July 2016.

6. Writ Petition is disposed of in the above terms.

**[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]**