

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

WRIT PETITION (LODGING) NO.1410 OF 2016

Dr. Sangram Keshav Jadhav	 Petitioner
V/s.	
The State of Maharashtra & Ors.	 Respondents

Ms. Anushka Amol Shreshtha a/w. Ms. Supriya Kadam for the Petitioner.

Mr. Amit Shastri, A.G.P., for Respondent No.1-State.

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

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

DATE : 7TH JUNE, 2016.

P.C. :

1. After this Writ Petition was argued for some time and we were disinclined to interfere in writ jurisdiction with pure finding of fact recorded in the impugned order, the Petitioner requested that the punishment that is imposed is too harsh bearing in mind the violation that is alleged and the unethical conduct complained. It is submitted that the Petitioner's name has been directed to be removed from the Register of Respondent No.2-Council for a period of three years with effect from the end of the Appeal period. In view of this, the Petitioner is put out of practice though he is a qualified Surgeon. The Petitioner is aged about 49 years and bearing in mind that the skills of a Surgeon will go down with advancing age, it is submitted that the Petitioner will give an undertaking not to indulge in any

such act as he is found guilty of in future and thereafter appropriate orders be passed. Meaning thereby, a lenient view be taken on the point of penalty.

2. The matter was kept back to enable the Petitioner to tender an unconditional apology on affidavit.

3. The Petitioner is present in Court. He has identified himself. He has tendered an unconditional apology. He has accepted the order and the violation so also the charges. He has undertaken not to indulge in activities including facilitating or co-ordinating, holding of any exams by any National or International University in academic courses which are not recognized or approved by the Government of India, Medical Council of India and the Maharashtra Medical Council.

4. The affidavit-cum-undertaking is taken on record. The Petitioner states that he has willingly and without any pressure or force, executed this affidavit-cum-undertaking. He identifies his signature on the same. He states that, being a qualified Surgeon, he should be allowed to resume practice.

5. The learned advocate appearing for Respondent No.2-Maharashtra Medical Council submits that the Petitioner has been found guilty of serious violation in as much as he accepted and admitted the charge of facilitating and co-ordinating an unrecognized University to hold exams of unapproved courses. They either were not approved by the Government or the Medical Council. Therefore, no interference is necessary in the quantum of punishment as well.

6. We have heard both the sides on the limited point of acceptance of this undertaking and reduction in the period of removal. The charge

against the Petitioner was that while working as a panel Surgeon at Aditya Birla Memorial Hospital, Pune, he persuaded the said Hospital at the instance of University of Seychelles American Institute of Medicine (USAIM) for conducting their examination in courses which do not have any approval or recognition from the Government of India or the Medical Council of India and the Maharashtra Medical Council. Barring this violation of Regulations and particularly a conduct unbecoming of a Medical Practitioner, bringing the whole profession temporarily atleast into disrepute, the Petitioner has not been found guilty of any other lapse or negligence, much less, gross in nature.

7. The Petitioner has stated before us on oath that he would not indulge in any such act, nor facilitate or co-ordinate holding of any examinations by acting as a Co-ordinator or otherwise, particularly, in courses which are not approved by the Government. The exams may be conducted by any National or International University or Global Educational Institutions. His registration has been suspended from 4th February 2016 and now it is directed that his name be removed from the Register of Respondent No.2-Council for a period of three years.

8. After perusing the entire record, we are of the view that the Petitioner has suffered enough. Since his registration was under suspension and now his name is directed to be removed, we substitute the period of three years with the period already undergone. The Petitioner shall be entitled to resume his practice in medicine / surgery w.e.f. 1st July 2016.

9. The Writ Petition is dismissed subject to above.

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