

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20663/2016 & WMP.No.17751/2016

Dr.Jose Chellan

..Petitioner

Versus

1.The Tamil Nadu Medical Council
No.914, Poonamallee High Road
Arumbakkam, Chennai 600106.

2.The Medical Council of India
Pocket 14, Section-8, Dwarka Phase-1
New Delhi-110077, India.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to the order passed by the 1st respondent dated 23.05.2016 bearing reference No.TNMC/DC.No.64/2015 and quash the same as being illegal, arbitrary without jurisdiction and violative of the petitioner's fundamental rights and to consequently forbear the 1st and 2nd respondents, their officers, employees, subordinates or any other persons claiming or acting under them from in any manner interfering with the petitioner's right to practice the petitioner profession without any hindrance.

For Petitioner : Mr.Thomas T.Jacob
For RR 1 & 2 : No appearance

ORDER

The learned counsel for the petitioner, after some arguments seeks the leave of this Court to withdraw this writ petition, with a liberty to file an appeal under Rule 8.8 of the Indian Medical Council [Professional, Ethiquette and Ethics] Regulations, 2002, and also made an endorsement in the petition to that effect.

2 In view of the endorsement made by the learned counsel for the petitioner, the writ petition is dismissed as withdrawn and the liberty sought for by the petitioner is granted. No costs. Consequently, the connected miscellaneous petition is also dismissed.

3 The Appellate Body, viz., the Indian Medical Council, as and when receives the statutory appeal to be filed by the petitioner along with an application for stay, shall entertain the same, if the papers are otherwise in order and it is open to the Appellate Body to consider the application filed for stay initially since the petitioner is under the genuine apprehension that on account of the impugned order, he may be de-barred from practicing even with the aid of the basic MBBS degree qualification, which is recognised by the Medical Council of India.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Tamil Nadu Medical Council
No.914, Poonamallee High Road
Arumbakkam, Chennai 600106.

2.The Medical Council of India
Pocket 14, Section-8, Dwarka Phase-1
New Delhi-110077, India.

+1cc to M/s.Thomas J. Jacob, Advocate, S.R.No.34252

PPA(CO)
EU(30/08/2016)

W.P.No.20663/2016

सत्यमेव जयते

WEB COPY