

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37222 of 2016

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the order of the second respondent in APMC/DC/015//Case No.20/2014, dated 24.10.2016 as illegal and arbitrary.

The petitioner is a doctor by profession. On the complaint dated 24.9.2016 given by one Smt.Anuradha, wife of a patient who was treated by the petitioner, the 2nd respondent by the impugned order removed the name of the petitioner from the rolls for a period of one year on the ground that he has impersonated and treated the patient which amounts to unethical act. The impugned order was passed on 24.10.2016. Though the petitioner has raised number of grounds challenging the impugned order, while arguing the matter, the learned counsel for the petitioner mainly contended that while passing the impugned order removing the name of the petitioner from the rolls, necessarily, the 2nd respondent ought to follow the procedure as contemplated under the A.P. Medical Practitioners Registration Act, 1968 (for short 'the Act'). It is submitted that the impugned order is in violation of the Rule 6 to 11 of the Rules, which provide the procedure regarding the manner in which an enquiry has to be conducted against a person who is called for enquiry.

Heard and perused the material available on record.

In the counter affidavit filed on behalf of respondents, the learned Government Pleader extracted the proceedings in connection with the enquiry conducted by the respondents herein. The documents placed by the respondents clearly reveal that the petitioner was given an

opportunity of personal hearing and he was asked to answer various questions, for which the petitioner gave answers in detail. But the main grievance of the petitioner is that after issuance of show-cause notice and also while conducting the enquiry, the 2nd respondent has not followed the procedure as per the Rules contemplated under the Act.

A perusal of the entire record even though discloses that an enquiry was conducted by 2nd respondent, but it is not conducted as per the Rules contemplated under the Act. In view of the same, since there are serious allegations against the petitioner, which leads to removal of his name from the rolls, this Court is of the view that necessarily a detailed enquiry as contemplated under the Act should be conducted by duly giving an opportunity to the petitioner.

Hence, the impugned order of the 2nd respondent dated 24.10.2016 is hereby set aside. The 2nd respondent is directed to conduct the enquiry afresh as per the procedure contemplated under the Act duly providing an opportunity of hearing to the petitioner and pass appropriate orders in accordance with law on or before 27.02.2017.

The writ petition is disposed of accordingly. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

21.11.2016.
Tsr

