

CWP No.22162 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.22162 of 2015 (O&M)
Date of decision: 16.05.2016

Dr. Sukhchain Singh Bhullar

....Petitioner

Versus

Medical Council of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. C.M. Munjal, Advocate, for the petitioner.
Mr. Gurminder Singh, Sr. Advocate, with
Ms. Shivangi Sharma, Advocate, for respondents No.1 and 2.
Mr. Ramandeep Singh, Advocate, for respondent No.3.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

CM No.5911 of 2016

Instant application under Section 151 of the Code of Civil Procedure read with Article 226 of the Constitution of India has been filed for recalling/modifying the order dated 06.05.2016 passed by this Court in CWP No.22162 of 2015 and for seeking exemption from personal appearance of the President, Medical Council of India on the ground that applicant – President of the Medical Council of India is 74 years old lady and is suffering from various ailments.

After hearing learned counsel for the applicant and for the reasons mentioned in the application, same is allowed. Presence of President of Medical Council of India is dispensed with.

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Reply on behalf of respondent No.3, filed in Court today, is taken on record.

Instant writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of *certiorari* for quashing the order dated 26.08.2015 (Annexure P-19) passed by respondent No.2 – Ethics Committee of Medical Council of India and approved by respondent No.1 – Medical Council of India.

In pursuance of order dated 06.05.2016, Dr. Reena Nayyar, Secretary, Medical Council of India, is present in Court and states that she is competent to make a statement in Court that they will re-look into the impugned order. In the reply filed by respondents No.1 and 2 it has been admitted that there is discrepancy in passing the impugned order. Qua other similarly placed persons also Medical Council of India is reviewing its earlier orders.

In view of above, present petition is disposed of with a direction that till the fresh order is passed, operation of impugned order dated 26.08.2015 (Annexure P-19) shall remain stayed. Before passing fresh order, petitioner shall be afforded an opportunity of hearing and he will also be at liberty to submit his written submissions. Needful shall be done within two months from today.

(Paramjeet Singh Dhaliwal)
Judge

May 16, 2016
R.S.