



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)Nos.1008 and 1009 of 2017
and
C.M.P. (MD)Nos.6888,6889 and 6890 of 2017

The Christian Medical College and Hospital,
Rep. by its Medical Superintendent,
India Scudder Road,
Vellore-632 004.

.. Appellant in both W.As

Vs.

1. P.Joybell

2. The Secretary,
Medical Council of India,
New Delhi -110 002.

3. The Registrar,
Tamil Nadu Medical Council,
D-Block, 1st Floor,
TNHB Complex,
Vadapalani,
Chennai-26.

4. Dr.Anand Job,
Medical Superintendent,
Christian Medical College & Hospital,
Ida Scudder Road,
Vellore -632 004.

.. Respondents in both W.As

PRAYER in W.A. (MD) No.1008 of 2017: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the common order of his Lordship Mr.Justice A.Selvam, pronounced on 14.12.2016 in W.P.(MD) No.10030 of 2007.

PRAYER in W.A. (MD) No.1009 of 2017: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the common order in his Lordship Mr. Justice A.Selvam, pronounced on 14.12.2016 in W.P.(MD) No.5944 of 2008.

**Prayer in WP(MD).No.10030/ 2007 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Ref. No. TNMC/G 105/2007 dated 22/05/2007 and quash the same as illegal and (*)consequential to direct the 1st respondent to initiate disciplinary action against the 3rd and 4th respondent as against the 3rd respondent alone as mentioned in the above writ petition for the professional misconduct.

Prayer in WP(MD).No.5944/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings No. MCI-211(2)(196)/2007-Ethics/3600 dated 16/06/2008 and quash the same as illegal and consequently to direct the 1st respondent to take disciplinary action against the 3rd respondent for the delinquency on its part within the period that may be stipulated by this Honourable Court.

In both W.As

For Appellant : Mrs.P.Krishnaveni
for M/s.M.Vivekanandan
For Respondent-1 : Mr.M.Ajmalkhan
Senior Counsel for M/s.Ajmal Associates

COMMON JUDGMENT

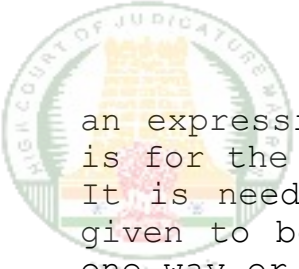
[Judgment of the Court was made by K.K.SASIDHARAN, J.]

The learned counsel for the appellant, on instructions, submitted that the appellant is prepared to face the enquiry. The appellant wanted only a clarification, in view of the direction given by the learned single Judge to take action. According to the learned senior counsel, the appellant is aggrieved only on account of the observation made by the learned single Judge that the authority can take into account the allegations and thereafter take appropriate action against the persons concerned.

2.We have also heard the learned senior counsel for the first respondent.

3.The substantial prayer in the present appeals is only to clarify the common order passed by the learned single Judge. The learned single Judge directed the Tamil Nadu Medical Council to take a decision in the matter and thereafter take appropriate action against the concerned.

4.We make it clear that the direction to take appropriate action against the persons concerned should not be construed to be



an expression of opinion on the merits of the matter. In short, it is for the Tamil Nadu Medical Council to take a decision on merits. It is needless to point out that opportunity of hearing should be given to both the parties, by the council before taking a decision one way or the other.

5. The writ appeals are disposed of with the above clarification. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

+ 2 CC TO Mr.M.VIVEKANANDAN, ADVOCATE IN SR No. 28057, 28056

VS/VSG

TE/KK/SAR-I : 22/08/2017 : 3P/3C

COMMON JUDGMENT MADE IN
W.A(MD)Nos.1008 and 1009 of 2017 and
C.M.P. (MD)Nos.6888,6889 and 6890 of 2017
03.08.2017