

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

CWP No. 7975 of 2013

Date of decision : 07.12.2017

Akhil Saxena & ors.

....Petitioners

V/s

Medical Council of India & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amandeep Singh, Advocate for the petitioners.

Ms. Harpriya Khaneka, Advocate for
Mr. J.S. Gill, Advocate for respondent no. 1.

Mr. Amrit Paul, Advocate for respondent no. 2.

RAJAN GUPTA J.

On the last date of hearing following order was passed in this
case:-

“Pursuant to order dated September 04, 2017, Dr. V.K. Bansal, Registrar, Haryana Medical Council is present in court. Mr. Amrit Paul has sought instructions from him and submits that appeal against the order passed by the Medical Council is maintainable before the Medical Council of India in view of clause 8.8 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. Stand of MCI is that the petitioner has already preferred an appeal before the appellate authority. He has referred to stand taken in para 15 of the reply filed by the Haryana Medical Council. Counsel for the petitioners, however, prays for some time to seek instructions in light of above. Two weeks time is granted.

To come up on 7.12.2017.

The court be apprised of decision, if any, taken by the appellate authority. Personal appearance of Registrar, Haryana Medical Council is exempted.”

Learned counsel for the petitioners submits that he has not been able to verify the fate of appeal preferred before the appellate authority.

In view of above, this court is of the view that since a clear stand has been taken by respondent no. 2 that appeal is pending before appellate authority, no cause of action survives in this petition. Same is hereby disposed of. However, after decision of appeal petitioners shall be at liberty to avail appropriate remedy, alternatively to seek revival of this petition if any issue survives.

December 07, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No