

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION No.13098 OF 2018

Dr.Pravin Bhausaheb Shinde ... Petitioner
Vs
Maharashtra Medical Council and another ... Respondents

Mr.Rui Rodrigues i/b Yogita R Singh, for the Petitioner.
Mr.Rahul Nerlekar, for Respondent No.1.
Mr.Ganesh Gole, for Respondent No.2 – (MCI).

***CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.
Date : 7 December, 2018.***

P.C. :

Not on Board. However parties point out that there is note on board to hear this Petition along with Writ Petition No.13097 of 2018. In view of joint request, taken on board.

2. Heard respective counsel. Perused the orders of this Court refusing to intervene in extraordinary jurisdiction on 9 October 2018 because of availability of alternative remedy. Petitioner has accordingly availed that remedy.

3. The Appeal is before Respondent No.2 and it is not in dispute that said Respondent today is not in position to work with full vigor because the Committee is found not to possess power to grant any interim order. This position is also brought on record in the shape of an order dated 3 March 2008 in Writ Petition No.1735 of 2008. We do not dilate more on this aspect. The registration of Petitioner was suspended in April 2016 but that order was withdrawn and after fresh inquiry again the registration has been suspended in October 2018. That suspension was questioned in Writ Petition (Lodging) No.3092 of 2018 which has been disposed of on 9 October 2018. Thus, from April 2016, till October 2018, Petitioner was functioning as radiologist.

4. In this situation taking over all view of the matter as Appeal is pending we have inquired from learned counsel representing Respondent No.2 about the time required for deciding Appeal itself on merits. Upon instructions he states that atleast period of six months shall be required.

5. We have also heard respective counsel on impugned order by which the registration of Petitioner has been suspended.

6. We in this situation are inclined to stay that order till the Appeal is finally decided and subject to such decision, provided Petitioner files an undertaking to this Court and with Respondent No.2 that he will avoid all practices which may give rise to similar

complaints during the pendency of Appeal. He shall maintain all records transparently and produce the same with consent of appellate Authority whenever required by appellate Authority. He shall also in the meanwhile, not use digital signatures and inform the all concerned accordingly.

7. If an Affidavit on above lines is filed with the registry of this Court and with Respondents, within two weeks from today, the order suspending registration of Petitioner shall remain stayed till pendency of Appeal before Respondent No.2. With this directions we partly allow Writ Petition and dispose it of.

(Sarang V. Kotwal, J.)

(B.P.Dharmadhikar, J.)