

Sequeira

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

WRIT PETITION No.13097 OF 2018

Dr.Sunil Waghmare ... 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. :

The registration of Petitioner has been cancelled for a period of five years by Respondent No.1 vide order dated 2 August 2018. Writ Petition No.3095 of 2018 assailing it is disposed of on 9 October 2018 because of availability of alternative remedy. Petitioner has accordingly approached Respondent No.2, appellate Authority and the appellate Authority is not in position to grant him interim protection. Learned counsel appearing for Respondent No.2 upon instructions states that appeal shall be decided finally within six months. Prayer before us is to revive registration of Petitioner, so that

he can continue with his practice as radiologist in the meanwhile. Learned counsel submits that Petitioner has already submitted an undertaking not to take recourse to stem cell treatment and therapy and is abiding by it.

2. Learned counsel appearing for Respondent Nos.1 and 2 are opposing any intervention.

3. We have perused the impugned order. There is a categorical finding that the Petitioner has done non-permitted practice and used that therapy by charging hefty amounts.

4. In this jurisdiction we are not inclined to grant interim prayer as asked for. Granting that prayer at this stage may constitute granting final relief.

5. However, we direct Respondent No.2 to see that Appeal is disposed of finally within six months. Accordingly, we dispose of the Petition.

(SARANG V. KOTWAL, J.)

(B.P.DHARMADHIKARI, J.)