

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1703 OF 2015

Dr. Rohit Kulkarni.

..Petitioner.

Versus

The Maharashtra Medical Council
and Another.

..Respondents.

Ms. Sneha Phense, Mr. Lakdawala, Mr. Agrahari i/b Little & Co., for the
Petitioner.

Mr. Rahul Nerlekar for Respondent No.1.

Mr. Ganesh K. Gole for Respondent No.2.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **April 18, 2018.**

P. C. :

1. Heard learned Counsel appearing for the respective parties. By this petition, the Petitioner is challenging the notice dated 5th August 2014 issued by the Medical Council of India. The Petitioner has also assailed the orders dated 23rd January 2015 and 16th May 2015 passed by the Medical Council of India and the Maharashtra Medical Council, Mumbai respectively.

2. By the notice dated 5th August 2014, the Medical Council of India has directed the Petitioner to appear for hearing before the Ethics Committee which was scheduled to be held on 13th August 2014. By the order dated 23rd January 2015, the Medical Council of India directed the Registrar of Maharashtra Medical Council, Mumbai to take

further necessary action against the Petitioner. In pursuance of the order dated 23rd January 2015, the Maharashtra Medical Council, Mumbai by its order dated 16th May 2015 suspended the Petitioner's registration with the Maharashtra Medical Council pending enquiry.

3. The main contention of the Petitioner is that he has no concern with the hair transplant practice, he being pathologist. It is also contention of the Petitioner that order passed by the Medical Council of India and the Maharashtra Medical Council, Mumbai suspending his registration is without following the principles of natural justice.

4. The petition was placed for admission before the Division Bench on 30th July 2015. After hearing the Petitioner, the Court issued notice to the Respondents and for the meanwhile ad-interim relief was granted to the Petitioner in terms of prayer clause (d) whereby suspension of the registration came to be stayed.

5. Learned Counsel for the Petitioner now submits that the Petitioner is ready and willing to face enquiry initiated by the Maharashtra Medical Council, Mumbai if the stay to the suspension order is continued during the pendency of enquiry.

6. Mr. Gole, learned Counsel for Respondent No.2 has no objection if stay is continued during the pendency of enquiry which

the Petitioner is ready and willing to face.

7. In the light of above, we dispose of this petition by passing following order :

:- ORDER :-

The Maharashtra Medical Council, Mumbai shall complete the enquiry against the Petitioner in respect of the allegations made against the Petitioner as expeditiously as possible and preferably within the period of three months from today. Needless to mention that the Maharashtra Medical Council, Mumbai shall follow the principles of natural justice. The interim relief granted under the order dated 30th July 2015 shall remain in force during the pendency of enquiry against the Petitioner to be conducted by the Maharashtra Medical Council, Mumbai. Needless to mention that the Petitioner is at liberty to file additional reply to the show cause notice. All points and contentions of the respective parties are kept open.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]