

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.25862 OF 2018

O R D E R

Petitioner is a practicing psychiatrist and psychotherapist. Based on a complaint and followed by inquiry, 1<sup>st</sup> respondent – Telangana State Medical Council, found the petitioner guilty of unethical practice and held that she is liable for punishment and disciplinary action as per Regulation 8.2 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and accordingly vide order in TSMC/ /Ethics/421/Case No.27/2016 dated 06.06.2018, removed her name from the Medical Register for a period of six months. Challenging the same, petitioner filed appeal before the 2<sup>nd</sup> respondent – Medical Council of India, New Delhi, on 11.07.2018, along with stay petition. Aggrieved by the action of the 2<sup>nd</sup> respondent in not passing any orders on the stay petition, the present writ petition is filed.

Heard the learned counsel for the petitioner, Sri D.Bhasker Reddy for the 1<sup>st</sup> respondent and Sri Vivek Chandra Sekhar S, for respondent No.2.

Learned counsel for the 2<sup>nd</sup> respondent submits that the 2<sup>nd</sup> respondent has no power to grant stay pending disposal of appeal filed by the petitioner.

Impugned order dated 06.06.2018 removing the name of the petitioner from the rolls of the Medical Register, is for a period of six months and the petitioner claims to have received the copy of order on 30.06.2018 and filed appeal on 11.07.2018. Impugned order has now come into effect. Pending disposal of the appeal, if the impugned order is not suspended, petitioner, in all probability, would have to serve the term of punishment, without her appeal being adjudicated. In view of the same, this court is inclined to suspend the impugned order, pending disposal of the appeal.

Having regard to the facts and circumstances of the case, the 2<sup>nd</sup> respondent is directed to dispose of the appeal filed by the petitioner in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Till the disposal of appeal, impugned order of the 1<sup>st</sup> respondent dated 06.06.2018, shall remain suspended.

With the above direction, writ petition is disposed of.

Interlocutory applications pending, if any, shall stand closed. No costs.

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A.RAJASHEKER REDDY,J

DATE:10—08—2018  
AVS