

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5934 of 2015

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Dr Lallan Prasad, S/o Late Guru Prasad Lal, Resident of - A/20, Alkapuri, P.S.
- Gardanibagh, District- Patna-800002.

... .. Petitioner/s

Versus

1. Medical Council Of India through its Secretary, Pocket – 14, Sector – 8, Dwarika, Phase – 1, New Delhi – 110 077
2. Deputy Secretary (Grievances Cell), Medical Council of India, Pocket- 14, Sector-8, Dwarika, Phase-I, New Delhi - 77
3. Bihar Council of Medical Registration, Room No. 11/D, Rajendra Nagar, Patna-16.
4. Sri Harish Kumar Srivastava S/o Not known to petitioner, Braj Niketan , Asmasan Road, Chiragora, Dhanbad, Distt. - Dhanbad (Jharkhand).
5. The Union of India through the Secretary, Department of Health & Family Welfare, Government of India, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Chitranjan Sinha, Sr Advocate with Mr Bidhan Chandra Jha, Advocate
For the M C I	:	M/s Kr Brijnandan, Tarees Hameed, Advocates
For the B C M R	:	M/s Subodh Kr Jha, Sorreshwar Tiwary, Advocates
For Union of India	:	Mr Anjani Kr Sharan, ASG

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 26-03-2019 Heard learned counsel for the petitioner and the respondents.

Learned counsel for the Union of India is present and has been served with copy of the writ petition in Court.

Let the Union of India through the Secretary, Ministry of Health and Family Welfare, New Delhi be impleaded as respondent No 5 to the writ proceedings.

The admitted position is that the order dated



18.02.2015, issued by the Medical Council of India communicating the decision of the Ethics Committee whereby the name of the petitioner has been removed from the Indian Medical Register for a period of one year, is appealable before the Central Government in view of the provisions contained in Section 24 of the Indian Medical Council Act.

Learned counsel for the Union of India submits that the remedy of appeal is circumscribed by limitation. Limitation is provided in the Rules.

In order to enable effective appreciation of the claim raised by the petitioner, this Court would consider it appropriate that the Central Government through the Ministry of Health and Family Welfare, New Delhi should consider the same.

This Court, therefore, is of the opinion that the petitioner may file his appeal before the Central Government (respondent No 5). In case, such an appeal is filed within a period of four weeks, the Appellate Authority, under the Indian Medical Council Act, shall consider the same on its own merit in accordance with law by a reasoned and speaking order within a period of three months thereafter without raising the issue of delay having regard to the fact that considerable time has been spent in the instant proceeding as also the fact that the issue of



filing appeal has been raised by the private respondent.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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