

HON' BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No. 8615 of 2019

ORDER:

1) The present writ petition is filed by the petitioner aggrieved by the orders passed by the Telangana State Medical Council-first respondent in imposing punishment of six months suspension of the petitioner from practicing.

2) The second respondent-patient filed a complaint stating that as against the removal of a tumor, the entire colon was removed by the petitioner and he is facing lot of inconvenience, pain and hardship. In pursuance of the same, the first respondent has taken cognizance of the same and after obtaining an expert opinion from Dr.M.Srinivasulu, Professor and head, Department of Surginal Oncology, MNJ Cancer Hospital, Hyderabad. As the expert expressed opinion against the petitioner, the first respondent placed him under suspension. Hence, this Writ Petition is filed on the ground of violation of principles of natural justice.

3) Originally this Writ Petition came up for admission on 23.04.2019 and at the stage of admission, in view of the seriousness of the matter and further having concern towards the patients, who are supposed to undergo surgery on scheduled dates, this Court has initially granted 48 hours notice and patients be treated. Thereafter, the case has been listed on 25.04.2019 and on request of the counsel appearing for the first and second

respondent, the same has been adjourned to today ie. 29.04.2019, directing the first respondent to place before this Court either instructions or any evidence whether the petitioner was furnished with the expert opinion to make his submissions in defence. Since there was no material placed before this Court to say that the doctrine of principles of natural justice has been followed, this Court feels that it would be just and proper to remand the matter to the first respondent for fresh adjudication.

4) Accordingly, the Writ Petition is allowed setting aside the order of the first respondent, dated 27.02.2019, and remanded the matter to the first respondent, directing him to furnish the expert opinion to the petitioner to submit his explanation. The second respondent is also at liberty to file his objections, if any, before the first respondent. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5) Consequently, miscellaneous petitions if any pending in this writ petition shall stand closed. No order as to costs.

T. AMARNATH GOUD, J

29.04.2019
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