

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

Contempt Petition No.2087 of 2019

CHANGEindia,
Rep by its Director A.Narayanan,
No.7c Daffodil Ceebros Gardens,
Arcot Road, Virugambakkam,
Chennai 600 092. .. Appellant

-vs-

1.Dr.Reena Nayyar
The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-1, New Delhi 110 077.
2.Dr.Beela Rajesh
The Principal Secretary to Govt.,
Dept. of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai 600 009. .. Respondents

Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondents to willful disobedience of the order dated 16.08.2018 passed by this Court in W.P.No.20902 of 2018.

For Petitioner : J.Saravana Vel

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The contempt petitioner has come up contending that the letter and spirit of the directions contained in the judgment dated 16.08.2018 do not appear to have been carried out and the malady as pointed out by the petitioner about the shifting of faculties during inspection has not been remedied in its entirety.

2.Learned counsel has produced before us an additional typed set of papers containing the steps undertaken by the respective Governments including the Central Government and the Medical Council of India, which is reflected in the communication dated 25.11.2019 addressed to the petitioner. The same recites that in the light of the maladies that were brought to the notice of the Central Government, a new enactment, namely, The National Medical Commission Act, 2019, has been legislated and that the Central Government has to take appropriate steps in this regard. Learned counsel submits that the Act itself has not been enforced as yet and the Medical Council of India cannot absolve itself of the responsibility of taking action as was visualised when the directions were issued by this Court.

Consequently, disobedience can be inferred in the wake of the aforesaid background and hence, a notice should be issued calling upon the respondents to show cause as to why contempt proceedings be not initiated.

3.Having considered the submissions raised, we find that the directions as contained in paragraph 7 of the judgment dated 16.08.2018 are concerned, the Secretary, Medical Education Department, Government of Tamil Nadu, was directed to furnish comments to the Medical Council of India that were to take action within eight weeks from the date of the said order.

4.It appears from the communication dated 25.11.2019 that the issues that were raised were already engaging the attention of the Central Government inasmuch as this was not a malady existing only in the State of Tamil Nadu, but all over India and upon deliberations, the National Medical Commission Act, 2019, was brought about for taking requisite steps in order to enable the National Medical Commission to take appropriate action in the matter. What appears is that the National Medical Commission has not been actually constituted as such and therefore, the petitioner contends that the inaction continues to persist, as a result whereof, the grievances raised by the

petitioner remain unredressed.

5.Having considered the submissions raised, it will be appropriate for any aggrieved person concerned to await the outcome of such action which is proposed to be taken and this Court expects and hopes that the Central Government as well as the authority competent under the new Act will be able to soon take appropriate action in the matter for redressal of any such maladies that may be existing and it may be open to the petitioner to bring it to the notice of the Medical Council of India about any such grievances that will be taken note of and appropriate action will be taken.

6.In the event the inaction continues to persist, it will be still open to any person to approach the appropriate forum for any such suitable directions that may be necessary in this regard.

The Contempt Petition is consigned to records with the said observations.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

sra

//Certified to be true copy//

Dated at Madras this the day of 2020.

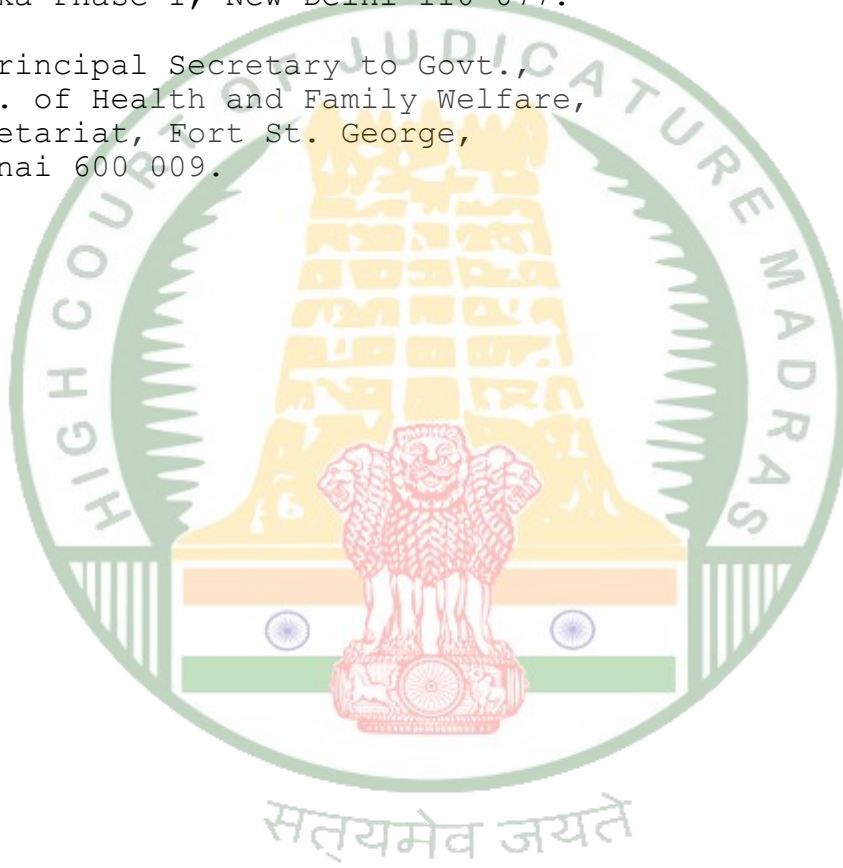
COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this

SMI/29/01/2020

To

- 1.The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-1, New Delhi 110 077.
- 2.The Principal Secretary to Govt.,
Dept. of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai 600 009.



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