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Cont. P.No.1139 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Contempt Petition No.1139 of 2021

in

W.P.No.12128 of 2021

K.Magesh,
No.1, Valluvar Street(Extension),
Arumbakkam, Chennai 106

... Petitioner

..VS.

1.Dr.K.Senthil,
The President,
Tamilnadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam,
Chennai 600 106.

2.Dr.R.Shanmugam,
The Registrar,
Tamilnadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam,
Chennai 600 106.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts to punish the respondents for their wilful disobedience of the order dated 26.05.2021 made in W.P.No.12128 of 2021.

For Petitioner : Mr.D.R.Arunkumar

For Respondents : Mr.G.Sankaran

Standing counsel for R2



ORDER

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Heard the learned counsel for the petitioner and the learned Standing counsel for the respondent/contemnor.

2.The counter filed by the respondent indicates that the petitioner herein has been provided with all the available documents sought for and those documents which are not available with the respondent may not be relevant for considering the charges framed against him. However, the learned counsel for the petitioner indicates that the main allegation against the petitioner for framing charge is that he did not possess requisite educational qualification and the SSLC Certificate which was missing from the possession of the petitioner could not be traced till recently. The duplicate copy of SSLC Certificate was issued to the petitioner only on 30.09.2021 and the respondents shall not deprive the petitioner producing the duplicate SSLC certificate.

3.The learned counsel for the petitioner rely on the by-laws, Sub class XXII of the Tamilnadu General Subordinate Service in respect of Record Assistant, Record Clerk, etc., to show the petitioner is qualified to hold the post and also relied upon the emergency powers of the President to waive any provisions of by-laws 36 to 53.



4. On considering the averments made in the contempt petition and the counter, this Court is of the view that in a contempt petition, Court should not take the role of the Enquiry Officer and conduct disciplinary proceedings. Already this Court has passed order dated 26.05.2021 wherein direction has been given to the respondents regarding the documents sought by the petitioner. It is now suffice to direct the respondents herein to produce documents which are sought for. If it is not available, those documents shall not be relied upon in the enquiry proceedings to arrive at conclusions.

5. The new documents viz., duplicate SSLC certificate, sought to be produced by the petitioner should be accepted and fair and adequate opportunity to the petitioner herein should be provided to put forth his defense. To complete the enquiry, four weeks time granted from today.

6. With the above direction, the contempt petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

vri

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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



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GS/23/12/2021

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To

1. The President,
Tamilnadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam,
Chennai 600 106.

2. The Registrar,
Tamilnadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam,
Chennai 600 106.