

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1577 of 2023

Dr. Priyanka Rani, Wife of Dr. Kanhaiya Lal Gupta, Resident of Doctors Quarter, Quarter No.1, Government Bus Stand, Tilka Manjhi, Barari Road, P.O. and P.S. Tilkamanjhi, District-Bhagalpur, Presently Working as Specialist Medical Officer, Sadar Hospital, Hajipur, District-Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The Union of India through the Department of Health and Family Welfare, Government of India, New Delhi.
2. The Secretary, Department of Health and Family Welfare, Government of India, New Delhi.
3. The National Medical Commission, Pocket-14, Sector-8, Dwarika, New Delhi-110077 through the Secretary,
4. The Secretary, The National Medical Council, Pocket-14, Sector-8, Dwarika, New Delhi-110077.
5. The Maharashtra Medical Council, Mumbai
6. The Registrar, The Maharashtra Medical Council, Mumbai, 189-A, Anand Complex, 1st Floor, Sane Guruji Marg, Arthur Road, Naka Chinchpokali (West), Mumbai-400011
7. The Bihar Council of Medical Registration, Bihar Medical Council Office, Patna through the Registrar.
8. The Registrar, The Bihar Council of Medical Registration, Bihar Medical Council Office, Patna.
9. The College of Physician and Surgeons of Mumbai, Dr. E. Borges Marg, Mumbai-400102 through the Secretary
10. The Secretary, The College of Physician and Surgeons of Mumbai, Dr. E. Borges Marg, Mumbai-40012.
11. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
12. The Director-in-Chief, Health Service, Government of Bihar, Patna.
13. The Civil Surgeon-Cum-Medical Officer, vaishali, District-Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate
For the State	:	Ms. Vijaya Laxmi Srivastave, AC to SC-23
For NMC	:	Mr. Kumar Priya Ranjan, Sr. S.C
		Mr. Vibhuti Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 27-06-2023

Writ application has been filed for following reliefs:

"(I) For issuance of an appropriate writ in the nature



*of **MANDAMUS**, commanding and directing the Respondent no.6 to produce on record the proceedings of the meeting of the Maharashtra Medical Council dated 24.09.2022 in which the decision was taken to remove the petitioner's name from the Register of Maharashtra Medical Council for a period of five years from the date of the order as also its decision to cancel the additional qualification certificate no.0552 of 2012 issued by the Maharashtra Medical Council and on production the same may be quashed by issuance of an appropriate writ in the nature of **CERTIORARI** on the ground that the said decision for removing the petitioner's name from the Register of Maharashtra Medical Council for a period of five years and cancellation of her additional qualification certificate no.552 of 2012 is only based upon the communication of the College of Physicians and Surgeons of Mumbai (hereinafter referred to as CPS) vide its letter no. CPS/EXAM/MMC/3421/20 dated 07.10.2020 which was the ex-parte communication of Respondent CPS as also on the ground that before taking the impugned decisions, the Respondent Maharashtra Medical Council had ignored to look into the different documents produced by the petitioner in support of bonafidy of her Diploma in Obstetrics and Gynecology (hereinafter referred to as DGO) obtained from the C.P.S.*

*(II) For issuance of an appropriate writ in the nature of **MANDAMUUS**, commanding and directing the Respondents except the Respondent nos. 5 and 6 not to proceed any further in the matter on the basis of the impugned decision of the*



Maharashtra Medical Council cancelling the petitioner's additional qualification certificate no. 552 of 2012 and its decision to remove the name of the petitioner from the Register of Maharashtra Medical Council for a period of five years since the decision of the Maharashtra Medical Council is thoroughly illegal and arbitrary.

*(III) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the letter dated 27.12.2022 issued under the signature of the Respondent no.6 and contained in his letter no. MMC/CPS/ORDER/2022/04170 dated 27.12.2022 along with which the letter dated 27.12.2022 of the Respondent no.6 was sent for service upon the petitioner."*

Learned counsel for the petitioner submits that he will be availing the remedy in the appropriate forum. He however submits that some time has been lost in pursuing these proceedings before this Court and that he would be availing benefit of pendency of these proceedings to meet the issue of delay.

The writ petition is accordingly dismissed with liberty.

(Madhuresh Prasad, J)

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