



*W.P.Nos.23545 to 23550 of 2015
and 23902 to 23907 of 2015*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.23545 to 23550 of 2015 & 23902 to 23907 of 2015
and M.P.No.1 of 2015 (12 Nos.)

W.P.No.23545 of 2015 :-

Dr.R.Tamil Selvi

...Petitioner

-Vs-

1. The Secretary
Medical Council of India,
Pocket – 14, Sector - 8,
Dwaraka,
New Delhi – 110 077.
2. The Registrar,
Tamil Nadu State Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam,
Chennai – 600 106.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Proceedings in Corrigendum No. MCI-211 (2) (621) (CBI)/2012 - Ethics/101980 dated 10.04.2015 issued by the First Respondent herein insofar as it relates to the name of the Petitioner



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herein under Serial No. 66 and to quash the same as illegal, arbitrary, without Jurisdiction and violative of the fundamental rights of the Petitioner and to consequently forebear the First and Second Respondents their officers, employees, subordinates or any other person claiming or acting under them from in any manner interfering with the right of the Petitioner to practice her profession including any post of medical teacher or any post of similar nature in any University or Medical College

In all W.Ps.

For Petitioner : Mr.L.Swaminathan
For Respondents
For R1 : Mr.Shubharanjani Ananth
Standing Counsel for MCI/NMC
For Mr.V.P.Raman

COMMON ORDER

These Writ Petitions have been filed challenging the corrigendum issued by the first respondent dated 10.04.2015, thereby imposed punishment of suspension from the IMR to practice medicine for a period of three months and also debarred from undertaking any post of medical teacher or any post of similar nature in any university or medical college for a period of five years.



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2. The petitioner in all the writ petitions were directed to appear before the Ethics Committee for hearing, those whom names were found in the list of doctors submitted by the CBI in RC.10(A)/2011, dated 17.12.2012, Chennai, on the allegation of doing practice in two medical colleges at the same time. However, some of the petitioners failed to appear before the Ethics Committee and some of them were submitted their written explanation. However, those written explanation were not accepted by the first respondent.

3. Thereafter, the first respondent convened meeting of the Ethics Committee and the committee unanimously observed the physical appearance of the medical practitioner/doctor is required to hear their side. The committee after detail deliberation initiated action against the medical practitioners/doctors who had not appeared before the Ethics Committee and imposed the following punishment :-

“Henceforth, pursuant to the power granted under Clause 8.2 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, the Ethics Committee directs as under:-



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(i) *The name of respective medical professional/doctor be suspended from the IMR to practice medicine for a period of three months. The respective State Medical Council may kindly implement the decision accordingly, and also*

(ii) *He/She be debarred from undertaking any post of medical teacher or any post of similar nature in any university or medical college for a period of five years.”*

Subsequently by referring the Corrigendum communication dated 27.04.2014, the first respondent issued communication dated 10.04.2014, which under challenge in all the writ petitions.

4. As far as the action which were taken against the medical practitioner/doctors are concerned, the period of suspension not to practice medicine viz., three months, was already over and the period of five years, thereby debarred the medical practitioner/doctors from undertaking any post of medical teacher or any post of similar nature in any university or medical college was also over. Further, while admitting these writ petitions, this Court declined to grant any interim order of stay. Therefore, nothing survive in all these writ petitions.



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5. Accordingly, all the Writ Petitions are dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

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