



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.19554 of 2014
and M.P.Nos.1 & 2 of 2014

Dr.K.S.Suresh

...

Petitioner

versus

1.The Medical Council of India,
Rep. by its Deputy Secretary,
Pocket-14, Sector-8, Dwarka,
New Delhi - 110 077.

2.Ethics Committee,
Medical Council of India,
Rep. by its Chairman,
Pocket-14, Sector-8, Dwarka,
New Delhi - 110 077.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in No.MCI-211(2)(620)/(CBI-12)-Ethics / 112874, dated 05.06.2014 on the file of the first respondent and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent No.1 : Ms.Shubharanjani Ananth
Standing Counsel



ORDER

The writ petition is filed challenging the show cause notice issued by the first respondent dated 05.06.2014.

2. The petitioner, who is a Doctor by Profession, had completed a postgraduate degree in M.D. Anaesthesiology and was issued with a show cause notice dated 05.06.2014 calling upon him to show cause as to why disciplinary action as permissible in terms of the Indian Medical Council [Professional Conduct, Etiquette and Ethics] Regulations, 2002 should not be initiated. Based on the information received by them from the CBI, they have investigated the matter under Case No.RC-24(A)/2010/CBI/ACB/Chennai, wherein the name of the petitioner was found to have been involved in certain irregularities. Challenging the show cause notice, the petitioner has come up with the above writ petition.

3. Today, when the matter is taken up for hearing, Ms.Shubharanjani Ananth, learned Standing Counsel for the first respondent brought to the notice of this Court that several writ petitions were filed challenging the similar show cause notices and by order dated



04.09.2023 in W.P.Nos.15173 & 15176 of 2014, the petitioners therein were allowed to withdraw the writ petitions and as such, the writ petitions came to be dismissed.

4. Further, in another batch of writ petitions, the Hon'ble Division Bench of this Court, by order dated 04.09.2023 in W.P.Nos.15174, 15175 & 15177 of 2014, holding that the show cause notices issued by the Medical Council of India are maintainable, had only allowed the petitioners to submit the reply, if any, within a period of four weeks, excepting those relating to jurisdiction and the respondents are directed to complete the enquiry within a period of twelve weeks thereafter.

5. The learned Standing Counsel for the first respondent submitted that the present writ petition also may be disposed of on the similar lines.

6. The relevant paragraphs of the above said order are extracted hereunder:-

“5. We have independently gone through the provisions and we are of the firm view that the erstwhile Medical Council of India had the power, both original as well as appellate, in matters of discipline. We



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therefore come to a conclusion that the Medical Council of India had the jurisdiction to issue the show cause notice. At the stage of challenge to a show cause notice, we cannot go into the merits of the allegations made by the petitioners. The petitioners can raise the issue of jurisdiction alone. That argument failing, the writ petitions have to fail.

6. Having being satisfied with the jurisdiction, we are of the view that the petitioners may submit their explanation, if not already submitted. The State Ethics Committee, which is a body under the State Medical Council, pursuant to the show cause notices that have been issued, shall initiate and complete the disciplinary proceedings, in terms of Section 27 of the National Medical Commission Act, 2019.

7. In case response has not been submitted, then, the response shall be submitted within a period of four(04) weeks from today, i.e. 04.09.2023. It is open to the writ petitioners to raise all contentions excepting those relating to jurisdiction as it has been concluded by an order of this Court. The entire exercise shall be completed by the second respondent within a period of twelve(12) weeks thereafter. With the above directions, this Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

7. In view of the fact that the similar issues in respect of the show cause notices were challenged and the same came to be dismissed by the orders of the Division Bench, this Writ Petition also stands **dismissed**. However, liberty is given to the petitioner to submit a reply within a period of four(4) weeks to raise all contentions except those relating to jurisdiction from the date of receipt of a copy of this order. On receiving the reply, the respondents shall pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks thereafter. Consequently, connected Miscellaneous Petitions are closed.



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8. There shall be no order as to costs.

15.11.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

The Deputy Secretary,
The Medical Council of India,
Pocket-14, Sector-8, Dwarka,
New Delhi - 110 077.



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G.ARUL MURUGAN, J.

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