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W.P.No.6395 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6395 of 2025
and W.M.P.Nos.7036 & 14174 of 2025

Dr.Usha Rani, B.S.M.S., M.D (S)

.. **Petitioner**

Vs.

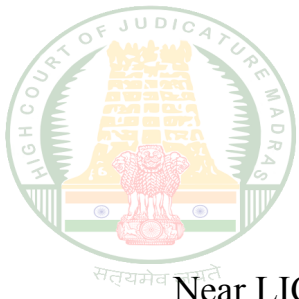
1.The District Collector – Dharmapuri District
First Floor, Salem Main Road
Dharmapuri District – 636 705.

2.The Registrar
Tamil Nadu Medical Council
No.959 & 960, Poonamallee High Road
Purasaiwakkam
Chennai – 600 084.

3.Dr.S.Bindhu, M.D., (O&G)
Consultant Obstetrician and Gynecologist
Infertility Specialist
M/s Sri Annai Hospital
No.5-C, Narasimha Achari Street, Dharmapuri – 636 701.

4.Dr.G.Rajesh, M.S
M/s BGR Hospital
No.2 B, Ramalinga Chetty Street

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Near LIC Office, Dharmapuri – 636 701.

5.Dr.Aravindh, MS
M/s BGR Hospital
No.2 B, Ramalinga Chetty Street
Near LIC Office, Dharmapuri – 636 701.

6.Dr.E.V.Sathyamoorthy, D.A.,
M/s BGR Hospital
No.2 B, Ramalinga Chetty Street
Near LIC Office, Dharmapuri – 636 701.

7.Dr.Anand, M.B.B.S., Oncologist Surgeon
M/s BGR Hospital
No.2 B, Ramalinga Chetty Street
Near LIC Office, Dharmapuri – 636 701.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent (Tamil Nadu Medical Council) vide letter No.T.No.3100/2023 dated 11.11.2024 and to quash the same, consequently direct the respondent to conduct a fresh, free and fair new enquiry by transferring the matter to a new enquiry officer and by issuing notice to the other respondents to pass such further or other orders.

For the Petitioner : Mrs.Usha Rani, Party-in-Person

For the Respondents : Mr.S.Senthil Murugan
Special Government Pleader
for R1



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Mr.U.Bharanidharan for R2
Mr.Sathish Parasaran
Senior Counsel
for Ms.Sameeksha Desikan
for RR3,4, 6 & 7

ORDER

The Writ Petition is filed challenging the order of the Tamil Nadu Medical Council dated 11.11.2024. By the said order, the complaint that is given by the petitioner, in respect of the private respondents herein, to take action on professional misconduct was rejected.

2. When the matter came up for hearing, the learned Senior Counsel appearing on behalf of the private respondents would submit that as against the said order, as per Regulation No.8.8 of the Indian Medical Council (Professional Conduct, Etiquette And Ethics) Regulations, 2002, the petitioner has an appeal remedy to the Medical Council of India.

3. Upon considering the same, I am of the view that the petitioner can be relegated to the alternative remedy that is available to her. The said regulation



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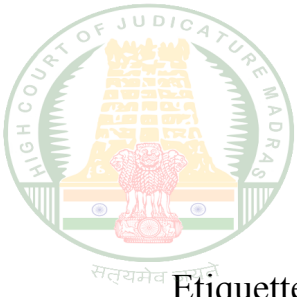
mandates that an appeal be filed within a period of 60 days from the date of receipt of the order passed by the Tamil Nadu Medical Council.

4. In this case, the order was passed on 11.11.2024 and the petitioner filed the Writ Petition on 20.02.2025. Thus, considering the overall facts and circumstances of the case, I am of the view that time can be enlarged to the petitioner to file an appeal.

5. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The Writ Petition filed by the petitioner to quash the order dated 11.11.2024 cannot be entertained by this Court, since the petitioner has an effective alternate remedy;

(ii) The petitioner shall file an appeal before the Medical Council of India, on or before 30.04.2025. As and when such an appeal is filed, the same shall be treated by the Medical Council of India as filed within time, as per the Regulation No.8.8 of the Indian Medical Council (Professional Conduct,



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Etiquette And Ethics) Regulations, 2002, and shall be taken on file, issue notice to the petitioner as well as the respondents therein and decide the appeal in accordance with law;

(iii) In any event, final orders shall be passed on the appeal that is to be preferred by the petitioner, within a period of three months from the date of filing of an appeal;

(iv) No costs. Consequently, the associated miscellaneous petitions are closed.

21.04.2025

Neutral Citation : Yes / No

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To

1.The District Collector – Dharmapuri District
First Floor, Salem Main Road
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D.BHARATHA CHAKRAVARTHY, J.

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