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**(1954) 11 MAD CK 0020**  
**In the Madras High Court**  
**Case No : Writ Petition No. 881 of 1953**

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| Dr. M. Venahanarasimham     | Vs | APPELLANT  |
| State of Madras and Another |    | RESPONDENT |

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**Date of Decision :** 04-11-1954

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Tamil Nadu Medical Registration Act, 1914 — Section 18

**Citation :** AIR 1955 Mad 628 : (1955) CriLJ 1507

**Hon'ble Judges :** Rajagopalan, J

**Bench :** Single Bench

**Advocate :** V.S. Rangaswami Aiyangar, for the Appellant; Special Govt. Pleader, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Rajagopalan, J.—This is an application under Article 226 of the Constitution for the issue of a writ of certiorari to set aside the order of the

Government of Madras in G.O.Ms. No. 3729 (Health Department) dated 20-10-1953.

2. The petitioner is a registered medical practitioner of more than 20 years standing. On 11-2-1953, the Registrar of the Madras Medical Council,

constituted under the Madras Medical Registration Act, (Act IV of 1914) communicated to the petitioner, the charge framed by the Madras

Medical Council, that on 5-8-1932 the petitioner had granted an antedated vaccination and Cholera inoculation certificate and he was therefore

guilty of infamous conduct in a professional respect.

The Medical Council held an enquiry in accordance with the provisions of Act IV of 1914, held that the charge had been proved and directed that

the petitioner be suspended for a period of one year. The petitioner appealed against that decision and punishment to the State Government u/s 18

of the Act. On 20-10-1953 the Government dismissed the appeal.

3. The jurisdiction of neither the Medical Council nor the Government has been questioned. Learned counsel for the petitioner attacked the validity

of the order of the Government, rejecting the petitioner's appeal, on the following, grounds: (1) that no opportunity had been given to the petitioner

to be heard in support of his appeal; (2) there had been discrimination in that another medical practitioner punished at the same time had been let

off with a warning and (3) no reasons were given in the order passed by the Government on 20-10-1953, rejecting the petitioner's appeal.

4. It was fairly a full representation that the petitioner submitted in writing in the memorandum of appeal he submitted to the Government when he

availed himself of the provisions of Section 18 of the Act. It is no doubt true that the petitioner was not given notice of any hearing of appeal; nor

was he given any opportunity to represent his case in person or by pleader. But Section 18 of the Act does not by itself cast any statutory duty on

the Government to give such notice to the appellant.

Learned counsel for the petitioner referred to Section 24, Clause (4) of the Act, where the Government have been empowered to frame rules to

deal with institution, hearing and disposal of appeals u/s 18 also. No such rules have been framed. As I said--nowhere in the statute is there any

statutory obligation upon the Government to follow any specified procedure in disposing of appeal preferred to it u/s 18 of the Act. Therefore the

question is, was any principle of natural justice violated by the Government when it dismissed the appeal on 20-10-1953,

The petitioner was certainly allowed to make his representation, and the written representation in the memorandum of appeal he submitted to the

Government was taken into consideration along with the evidence on record and the order of the Medical Council before the Government rejected

the appeal. It cannot be said that the petitioner was given no opportunity at all to make any representation to the Government. That the petitioner

was not given a further opportunity to make personal representations to supplement the written representations he made, may not be enough to

prove that any principle or natural justice had been violated by the Government,

No doubt, the petitioner asked in the memorandum of appeal he submitted to the Government that the appeal should be disposed of on the basis

of the representations made in the memorandum of appeal and also on the basis of the representations that he desired to make at the time of the hearing.

It was certainly within the discretion of the appellate tribunal, that is the Government, u/s 18 of the Act in the absence of any statutory provision or

statutory rules, to decide the procedure it should adopt to dispose of the appeals, and whether a further opportunity should be given to the

petitioner for a personal hearing in support of his appeal. That such an opportunity was not given does not, in my opinion, amount to a violation of any principle of natural justice.

It should be remembered the appellate jurisdiction, was invoked by the petitioner himself, and he had ample opportunities to represent his case in

full in the memorandum of appeal he submitted; and it cannot be said that he did not avail himself of that opportunity.

5. The plea based upon discrimination has really no substance. It cannot be said that under identical conditions the Government passed different orders.

6. No doubt no reasons were given by the Government when it dismissed the appeal of the petitioner; but mere failure to give reasons, even though

an appeal u/s 18 of the Act is a matter of great importance to a person situated like the petitioner, whose whole professional reputation is at stake,

may not by itself suffice to invalidate the order. There is nothing wrong either in the assumption of jurisdiction or in the exercise thereof by the

Government. The writ petition fails and is dismissed. No order as to costs.