

(2002) 11 SC CK 0013

In the Supreme Court Of India

Case No : S.L.P. (C) No. 21376-21377/2001, SLP (C) No. 21378-21379/2001,
SLP (C) No. 21017-21018/2001 and SLP (C) No. 22042-22043/2001

P.C. Kesavan Kuttynayar

APPELLANT

Vs

Harish Bhalla and Others

RESPONDENT

Date of Decision : 20-11-2002

Acts Referred:

Citation : (2003) 4 SCALE 375 : (2002) 1 SCALE 269 : (2003) 8 SCC 497

Hon'ble Judges : M. B. Shah, J;D. M. Dharmadhikari, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard the learned counsel for the parties.
2. It is submitted that during the pendency and disposal of these appeals, it is becoming difficult for the Medical Council of India to function effectively for various reasons. The counsel pointed out that the elections to the post of President and Vice-President of the Council took place in June 2001 and pursuant to the orders passed by this Court, elections have been held for the Executive Committee in August 2002.
3. It is pointed out that the High Court has not given any adverse finding against the functioning of the Vice-President, Medical Council. It is also submitted that instead of having an Administrator, the Vice-President be permitted to function as Acting President of the Council for the smooth functioning of the affairs of the Council. It is also agreed that for monitoring the functions of the Medical Council, particularly, appointment of Inspectors, their inspection reports and making recommendations for grant of recognition to medical colleges, a Committee comprising of four eminent doctors known for their independence and integrity be appointed by this Court.
4. For enhancing the confidence of the people in the functioning of the Medical Council of India, which is having wide powers under the Medical Council Act,

1956, we order accordingly. We appoint a Committee of four eminent doctors, namely, Dr N. Rangabashyam of Chennai, Prof. P.N. Tandon of New Delhi. Dr. S.K. Bhansali of Mumbai and Dr. (Mrs) S. Kantha of Bangalore as members of Ad Hoc Committee to assist and monitor the work of the Medical Council of India. The Ad Hoc Committee would work harmoniously and in full cooperation with the Executive Committee of the Council. The Committee would associate itself particularly in selection and appointment of Inspectors and scrutinize their reports and make recommendations for grant of recognition to the medical college.

5. If any member of the Ad Hoc Committee in course of working finds any practical or legal difficulty, it would be open for him/them to approach this Court for appropriate orders through learned Senior Counsel Mr Harish N. Salve (*amicus curiae*). It would also be open to them to make recommendations, how the functioning of the Executive Committee can be made more effective and prompt.

6. Learned counsel appearing on behalf of the Administrator appointed by the High Court submits that in view of the appointment of the Ad Hoc Committee, the Administrator be permitted to be relieved. The counsel appearing on behalf of the Administrator also states that they should also be discharged. We order accordingly.

7. Learned counsel for the parties submit that the Union of India be directed to take appropriate steps to fill in the existing number of vacancies of the members of the Medical Council of India. We also order accordingly.

8. Further, if CBI has completed the investigation as ordered by the High Court, it would submit its report or file a charge-sheet before the court of competent jurisdiction in accordance with law as early as possible.

9. Matters be placed in the month of February 2003 for further orders.