

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO: 20318 OF 2023

Between:

Dr. P.S.Sugunakar Raju, S/o P.Kishan Rao, Aged about 55 years, Occ. Civil Surgeon Medial Superintendant, Govt. District Hospital, Janagaon Town, Janagaon District.

...PETITIONER

AND

1. The State of Telangana, rep by Principal Secretary, Medical, Health and Family Welfare Department, Secretariat, Hyderabad.
2. The Commissioner Telangana, Vaidya Vidhana Parishad, Hyderabad.
3. Ethics and Medical Registration Board, rep through its Deputy Secretary National Medical Commission, Pocket-14, Sector- 8 Dwarka, Phase-1, New Delhi-110077.
4. The Telangana State Medical Council, D.M.and HS Campus, Sultan Bazar, Hyderabad.
5. The National Medical Commission, Represented through Chair Person, Pocket-14, Sector- 8 Dwarka, Phase-1, New Delhi-110077.
6. Sri Padugula Damodar, S/o late Yellaiah, Age not known to the Petitioner, R/o 3-14-375, Durga Colony, Near Pochamma Gudi, Hanamkonda, Hanamkonda Dist.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in not granting interim order in the appeal filed by the Petitioner dated 20/07/2023(Through Speed Post)/ 24/07/2023(Physically) duly suspending the order No. 211(2)(89)/2016-Ethics/029429 dated 29/5/2023 issued by the 3rd respondent and consequential order No. TSMC/933/Ethics/Case No.04/2017 dated 05/06/2023 issued by the 4th respondent as illegal, arbitrary, unjust, unreasonable and contrary to law, unconstitutional and also declare order No. 211(2)(89)/2016-Ethics/029429 dated

29/5/2023 issued by the 3rd respondent and consequential order No. TSMC/933/Ethics/Case No.04/2017 dated 05/06/2023 issued by the 4th respondent as illegal, arbitrary, unjust, unreasonable and contrary to law, unconstitutional the set aside the same and also direct the respondent No.5 to dispose of the appeal filed by the petitioner dated 20/07/2023 (Through Speed Post) / 24/07/2023(Physically) at an early date in the interest of justice.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of order No. 211(2)(89)/2016-Ethics/029429 dated 29/5/2023 issued by the 3rd respondent and consequential order No. TSMC/933/Ethics/Case No.04/2017 dated 05-06-2023 issued by the 4th respondent pending appeal before the 5th Respondent in the interest of justice pending disposal of the above writ petition.

Counsel for the Petitioner: SRI D.RAMAKRISHNA

**Counsel for the Respondent Nos.1 & 2: SRI K.UDAY KUMAR, AGP FOR
MEDICAL HEALTH & FAMILY WELFARE**

Counsel for the Respondent Nos.3 & 5: M/s. G.RANGA PUJITHA, SC FOR NMC

Counsel for the Respondent No.4: SRI CH.JAGANNATHA RAO, SC FOR TSMC

Counsel for the Respondent No.6: --

The Court made the following: ORDER

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION No.20318 of 2023

ORDER:

1. Heard Sri D.Ramakrishna, learned counsel for the Writ Petitioner, Sri K.Uday Kumar, learned Assistant Government Pleader for Health, Medical and Family Welfare, who is representing Respondent Nos.1 & 2, Sri CH.Jagannatha Rao, learned Standing Counsel for Telangana State Medical Council, who is representing Respondent No.4 and Ms.G.Ranga Pujitha, learned Standing Counsel for National Medical Commission, who is representing Respondent Nos.3 & 5.
2. This Writ petition is filed seeking the following substantive relief:-

“... to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in not granting interim order in the appeal filed by the petitioner dated 20.07.2023 duly suspending the order No.211(2)(89)/2016-Ethics/029429, dated 29.05.2023, issued by the 3rd respondent and consequential order No.TSMC/933/Ethics/Case No.04/2017, dated 05.06.2023 issued by the 4th respondent, as illegal and arbitrary and consequently to direct the

respondent No.5 to dispose of the appeal filed by the petitioner at an early date.”

3. Learned counsel for the petitioner states that as directed by this Court through orders in W.P.No.15385 of 2023, dated 03.07.2023, the petitioner has preferred Appeal and the Appeal is pending and therefore, directing the 5th respondent to dispose of the Appeal immediately, the impugned order, basing on which the petitioner was placed under suspension, be suspended.

4. On the other hand, the submission of learned Standing Counsel for Respondent No.5 is that considering all the aspects of the case, a reasoned order was passed in W.P.No.15385 of 2023 and therefore, the present Writ Petition is not maintainable.

5. When the orders that were rendered in W.P.No.15385 of 2023, dated 03.07.2023, are gone through, this Court finds that on considering the submission made by the learned counsel who appeared for the petitioner that the petitioner intends to prefer Appeal, the Writ Petition was disposed of. However, to facilitate the petitioner to prefer Appeal, the impugned order was suspended till 28.07.2023. The

petitioner, without availing the efficacious remedy of preferring Appeal, has filed the earlier Writ Petition i.e., W.P.No.15385 of 2023. Now, when the period of suspension of the impugned order is completed by 28.07.2023 through orders in W.P.No.15385 of 2023, again another Writ Petition is filed. Such a course cannot be appreciated. It is for the Appellate Authority to consider whether to suspend the impugned order or not. Therefore, this Court is of the view that the Writ petition wholly lacks merits.

6. Resultantly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

**SD/-K. SREERAMA MURTHY
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER**

To

1. One CC to SRI D.RAMAKRISHNA, Advocate [OPUC]
2. Two CCs to GP FOR MEDICAL HEALTH & FAMILY WELFARE, High Court for the State of Telangana, at Hyderabad. [OUT]
3. One CC to SRI CH.JAGANNATHA RAO, SC FOR TSMC [OPUC]
4. One CC to M/s. G.RANGA PUJITHA, SC FOR NMC [OPUC]
5. Two CD Copies

PSK.

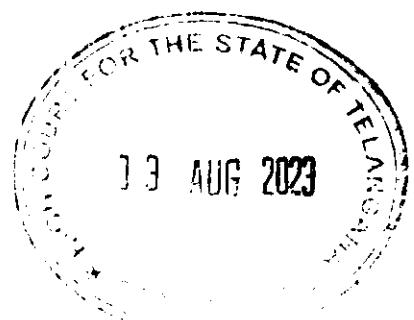
HIGH COURT

CC TODAY

DATED: 31/07/2023

ORDER

WP.No.20318 of 2023



DISMISSING THE WRIT PETITION
WITHOUT COSTS.

(S)
MVA
31/8/23