



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 56015 OF 2016 (GM-RES)

C/W

WRIT PETITION NO. 54167 OF 2016 (GM-RES)

IN WP No. 56015/2016

BETWEEN:

1. DR SISTER GLADYS MENEZES
DAUGHTER OF MR JOHN MENEZES,
AGED ABOUT 57 YEARS,
2. THE ADMINISTRATOR
SNEHALAYA HOSPITAL
REPRESENTED BY
SISTER ANNA ROSA D'ALMEDIA
AGED ABOUT 54 YEARS,
D/O LATE JACOB D'ALMEDIA

BOTH RESIDING AT
SNEHALAYA HOSPITAL,
SOLUR POST, MAGADI TALUK,
RAMANAGARA- 562 127

...PETITIONERS

(BY SRI. CYRIL PRASAD PAIS, ADVOCATE)

AND:

1. MR.H.M.KRISHNA MURTHY
SON OF LATE MR NARASIMHAIAH
AGED ABOUT 55 YEARS,
HOSPET ROAD, MAGADI TOWN
MAGADI TALUK,
BANGALORE RURAL DISTRICT



NC: 2025:KHC:42633
WP No. 56015 of 2016
C/W WP No. 54167 of 2016

2. THE KARNATAKA MEDICAL COUNCIL
A STATUTORY BODY
NO.16/6, MILLER TANK BUND ROAD,
VASANTH NAGAR,
BANGALORE 560052
REPRESENTED BY ITS PRESIDENT
3. NATIONAL MEDICAL COMMISSION
POCKET 14, SECTOR 8,
DWARAKA PHASE 1,
NEW DELHI- 110077
REPRESENTED BY ITS PRESIDENT
4. THE ETHICS MEDICAL
REGISTRATION BOARD
POCKET- 14, SECTOR 8,
DWARAKA PHASE-I,
NEW DELHI - 110 077
REPRESENTED BY ITS PRESIDENT.

...RESPONDENTS

(BY SRI. P.M.SIDDAMALLAPPA, ADVOCATE FOR R1;
SRI. D.S.HOSMATH, ADVOCATE FOR R2
SRI. N KETTY, ADVOCATE FOR R3 AND R4)

THIS WP FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DATED 10.5.2016 PASSED BY THE R-3 IN APPEAL NO.
MCI-211(2)(57)(APPEAL)/2015-ETHICS/107968, VIDE ANNEX-
A, CONSEQUENTLY REMAND THE MATTER TO THE R-3 WITH A
DIRECTION TO HEAR THE PETITIONERS AND THEREAFTER
PASS AN APPROPRIATE ORDER IN ACCORDANCE WITH LAW.

IN WP NO. 54167/2016

BETWEEN:

DR. SISTER GLADYS MENEZES
D/O MR. JOHN MENEZES,



NC: 2025:KHC:42633
WP No. 56015 of 2016
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AGED ABOUT 57 YEARS,
SNEHALAYA HOSPITAL,
SOLUR POST, MAGADI TALUK,
RAMANAGAR - 562 127.

...PETITIONER

(BY SRI. CYRIL PRASAD PAIS.,ADVOCATE)

AND:

1. SRI. R. NAGARAJ
S/O LATE RANGAPPA,
MAJOR,
R/AT NO. 361/1,
10TH MAIN, AKKIYAPPA GARDEN,
MOHAN KUMAR NAGAR
BANGALORE - 560 022.
2. THE KARNATAKA MEDICAL COUNCIL
A STATUTORY BODY
NO. 16/6, MILLER TANK BUND ROAD,
VASANTH NAGAR,
BANGALORE - 560 052
REPRESENTED BY ITS PRESIDENT.
3. NATIONAL MEDICAL COMMISSION
POCKET- 14, SECTOR 8,
DWARAKA PHASE-I,
NEW DELHI - 110 077
REPRESENTED BY ITS PRESIDENT.
4. THE ETHICS MEDICAL
REGISTRATION BOARD
POCKET- 14, SECTOR 8,
DWARAKA PHASE-I,
NEW DELHI - 110 077
REPRESENTED BY ITS PRESIDENT.

...RESPONDENTS

(BY SRI. M.C.RAVI KUMAR, ADVOCATE FOR R1;
SMT. RATNA N SHIVAYOGIMATH, ADVOCATE FOR R2
SRI. N KETTY, ADVOCATE FOR R3 AND R4)



THIS WP FILED ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD.10.5.2016 PASSED BY THE R-3 IN APPEAL NO.MCI-211(2)(57)(APPEAL)/2015-ETHICS/107968 AND CONSEQUENTLY RESTORE THE APPEAL FILED BY THE PETITIONER AND THEREAFTER PASS AN APPROPRIATE ORDER IN ACCORDANCE WITH LAW.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In these writ petitions, the petitioners are assailing the order dated 10.05.2016 passed by respondent No.3 (Annexure-A), whereby the appeal preferred by the petitioners was rejected. The petitioners have, *inter alia* sought for direction to respondent No.3 to restore the said appeal.

3. Having taken note of the submission made by the learned counsel appearing for the parties, it is seen that the petitioner had filed WP No.16121/2009 and



connected writ petitions challenging the order passed by respondent No.2 therein. This Court, by order dated 16.10.2015 (Annexure-X in W.P.No.54167/2016), permitted the petitioner to approach the competent authority by way of appeal and also condoned the period spent by the petitioner before this Court.

4. Thereafter, the petitioner preferred an appeal before respondent No.3 against the order dated 21.05.2009 passed by respondent No.2. Respondent No.3, by order dated 10.05.2016 (Annexure-A), disposed of the appeal on the ground that, the petitioner had approached the appellate authority beyond 120 days from the date of the order passed by respondent No.2.

5. In this regard taking into account the order passed by this Court in WP No.16121/2009 dated 16.10.2015 (Annexure-X in W.P.No.54167/2016), I am of the view that the finding recorded by respondent No.3, rejecting the appeal preferred by the petitioner on the ground of delay and laches, is incorrect. The petitioner



had approached respondent No.3 within four weeks from the date of the order passed by this Court (Annexure-X in W.P.No.54167/2016) and the period spent by the petitioner before this Court has already been condoned. Therefore, I am of the view that the order dated 10.05.2016 (Annexure-A) passed by respondent No.3 is liable to be set-aside. Accordingly, the matter is remitted to respondent Nos.2 and 4 to re-hear the matter afresh after affording an opportunity of hearing to all the parties concerned.

6. It is made clear that this Court has not expressed any opinion on the merits on the case.

7. It is also submitted by the learned counsel representing the parties that the order at Annexure-A dated 10.05.2016 was passed by respondent No.3. However, in view of the subsequent amendments made to the relevant Act, and the reconstitution of the Medical Council of India, respondent No.4 herein is now empowered to re-hear the matter afresh and pass the



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appropriate orders. Accordingly, respondent No.4 is directed to re-hear the matter afresh and pass appropriate order in accordance with law.

8. Interim order earlier passed by this Court shall enure to the benefit of the petitioners till the appeal is considered and disposed by respondent No.4.

Sd/-
(E.S.INDIRESH)
JUDGE

TMP
List No.: 1 Sl No.: 24