

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	27.02.2026		<p><u>SPA No.41 of 2026</u> Max Healthcare Institute Limited --Petitioner</p> <p style="text-align: center;">Versus</p> <p>Uttarakhand Medical Council & Anr. --Respondents</p> <p>With</p> <p><u>SPA No.50 of 2026</u> Dr. Anand Mohan Thakur --Petitioner</p> <p style="text-align: center;">Versus</p> <p>Uttarakhand Medical Council & Anr. --Respondents</p> <p><u>Hon'ble Manoj Kumar Gupta, C. J.</u> <u>Hon'ble Subhash Upadhyay, J.</u></p> <ol style="list-style-type: none"> 1. Mr. U.K. Uniyal, learned Senior Counsel assisted by Mr. Rohit Puri and Mr. Yash Bisht, learned counsel for the appellants. 2. Ms. Devika Tiwari, learned counsel for Uttarakhand Medical Council – respondent no.1. 3. Mr. Pankaj Miglani, learned counsel for respondent no.2 through V.C. 4. The appeals arise out of two separate writ petitions both filed challenging the order of Ethics, Disciplinary and Registration Committee, Uttarakhand Medical Council, Dehradun dated 04.02.2026. 5. The submission of learned Senior Counsel appearing on behalf of the appellants in these appeals is that the Ethics, Disciplinary and Registration Committee, which had passed the order on the complaint of the private respondent was only having recommendatory power and it could not have passed any final order as has been done in the instant case. It is urged that even though the order passed by the Committee is without jurisdiction, the learned Single Judge has declined to examine the issue and has relegated the appellant in SPA No.50/2026 to the alternative remedy of appeal without having regard to the legal position that there

is no absolute bar in entertaining the writ petition where the order is without jurisdiction.

6. It is further submitted in SPA No.41/2026 that under Uttarakhand Medical Council Act, 2002 and the Rules and Regulations framed thereunder, the inquiry on a private complaint could only be against a 'medical practitioner' and not the Hospital. The definition of 'medical practitioner' u/s 2(7) of the Uttarakhand Medical Council Act, 2002 does not include a hospital. The observations made by learned Single Judge that a Hospital would also be included in the definition of 'medical practitioner' relying on judgment of Hon'ble Supreme Court in ***Maharaja Agrasen Hospital & Others vs. Master Rishab Sharma and Others (Civil Appeal No.6619 of 2016) along with Pooja Sharma & Others vs. Maharaja Agrasen Hospital & Others (Civil Appeal No.9461 of 2019)*** is incorrect as the said judgment was in reference to the provisions of Consumer Protection Act and the ratio laid therein would not apply to a complaint made under the provisions of Uttarakhand Medical Council Act, 2002, where a Hospital is not covered.

7. The matter requires consideration.

8. Learned counsel for Uttarakhand Medical Council and the respondent no.2 pray for time to complete their instructions.

9. As jointly prayed, list both the appeals on 17.03.2026 as fresh.

10. Till the next date of listing, there shall be stay of the order dated 04.02.2026 passed by Ethics, Disciplinary and Registration Committee, Uttarakhand Medical Council, Dehradun.

(Subhash Upadhyay, J.)

27.02.2026

(Manoj Kumar Gupta, C.J.)

27.02.2026

