°ITEM NO.6 COURT NO.5 SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 316 OF 2006 (For Prel. Hearing)

PEOPLE FOR BETTER TREATMENT Petitioner(s)

VERSUS

SECRETARY, MED.COUNCIL OF INDIA & ORS. Respondent(s)

with I.A. No. 3-4 in WP(C) No. 265/2006 (For intervention and impleadment and office report)

Date: 24/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. M.N.Krishnamani, Sr. Adv.

Dr. Jailash Chand, Adv.

Petitioner-in-person

For Respondent(s) Mr. Gopal Subramanium, ASG

Dr. Kailash Chand, Adv.

Mr. Sushil Kr. Jain,Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. Nos. 3 & 4 in WP(C) No. 265/2006:

Since a separate writ petition (WP © No. 316/2006) has been filed,

no orders are necessary in these I.As.

I.A. Nos. 3-4 are disposed of.

WP(C) No. 316/2006:

This petition raises some questions of great public importance i .e. whether Doctors can go on strike and whether such act would amount to negligence warranting action for mis-conduct and what further action can be taken by the Medical Council of India in this regard. Since the matter is of great public importance, we request Dr. Rajiv Dhawan, Sr. Adv. to assist this Court in this case as Amicus Curiae. Mr. Gopal Subramanium, learned ASG accepts notice for Union of India and respondent No. 2. There cannot be any principle of universal application. Factual scenario may differ from case to case and has to be adjudicated on the factual premises of a particular case. But that would not stand on the way of the basic issue being considered and decided. At this juncture, we do not consider it necessary to issue notice to respondent No. 3. At a later stage may considered if found necessary the question of issuing notice to respondent no. 3 and other parties. Counter affidavit, if any, shall be filed within six weeks. Rejoinder affidavit be filed within four weeks thereafter. The suggestions of learned Amicus Curiae shall be filed within three weeks thereafter. While deciding the

issues noted above, learned Amicus Curiae is also requested to suggest as to how apart from Doctors what roles is expected to persons associated with Medical services apart from Doctors and action which can be taken against them.

This petition shall not be heard with W.P(C) No. 265/2006 as basic issues are different.

Call after four months.

(Shashi Sareen)
Court Master

(Vijay Aggarwal)
Court Master