

ITEM NO.59

COURT NO.3

SECTION X

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

Petition(s) for Special Leave to Appeal (C) No(s). 14044/2017

(Arising out of impugned final judgment and order dated 17/04/2017 in WP No. 854/2017 passed by the High Court Of Uttarakhand At Nainital)

DR VED PRAKASH TYAGI

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file lengthy list of dates and interim relief and office report)

Date : 05/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Dushyant A. Dave, Sr. Adv.  
Mr. R. Basant, Sr. Adv.  
Mr. Ashok Panigrahi, Adv.  
Mr. Suryadeep Singh, Adv.  
Ms. Aishwarya Bhati, Adv.  
Mr. Jaideep Singh, Adv.  
Mr. Sri Om Swarup, Adv.  
Mr. Santosh Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The matter arise out of the Indian Medicine Central Council Act, 1970.

The dispute pertains to the election pertaining to the Central Council under Section 3 of the above-mentioned Act from the State of Uttarakhand. Section 4(2) of the Act provides that any dispute regarding any election to the

Central council shall be referred to the Central Government.

Rules are framed under the above-mentioned Act known as Indian Medicine Central Council (Election) Rules, 1975. It is provided under Rule 28 sub-rule(i) that the Central Government shall appoint an inquiry Officer to examine the disputes regarding the election under the Act. Under sub-rule(7), it is also stipulated that any such election dispute is required to be inquired into within a period of 60 days from the date of the appointment of the Inquiry officer.

In the case on hand, an Inquiry Officer was appointed on 8.2.2017. The fact remains that the inquiry has not yet been concluded. Therefore, the petitioner herein approached the High Court of Uttarakhand praying inter-alia "issue a suitable writ, order or direction in the nature of mandamus directing the Respondent no. 1 to dispose of the election dispute as presented before it under Section 4(2) of the Indian Medicine Central Council Act, 1970 within the time period provided under Rule 28 of the Indian Medicine Central Council(Election) Rules, 1975."

The High Court was pleased to issue notice in the matter. In the meanwhile, it appears that Inquiry Officer desisted from continuing with the proceedings on the ground that the Writ Petition was pending and hence the instant special leave petition.

We are of the opinion that the matter can be disposed of at this stage directing the Inquiry Officer to conclude the inquiry expeditiously at an early date, i.e. within a period of 45 days from the date of receipt of this order.

In the circumstances, we also deem it appropriate to record that the Writ Petition (M/S) No. 854 of 2017 on the file of High Court of Uttarakhand is also required to be disposed of without any further orders. We order accordingly preserving the liberty of the petitioner to avail appropriate legal remedies (if so advised) in the event of result of the enquiry going against law.

The special leave petition stands disposed of in the above terms.

(DEEPAK MANSUKHANI)  
AR-cum-PS

(RAJINDER KAUR)  
Court Master