

WPMS No. 1309 of 2023

Hon'ble Ravindra Maithani, J.

Mr. Rajendra Dobhal, Senior Advocate, assisted by Mr. Abhishek Bahuguna, Advocate for the petitioner.

Ms. Menka Tripathi, D.A.G. for the State.

Mr. K.P. Upadhyay, Senior Advocate, assisted by Mr. Hemant Pant, Advocate for the respondent no.2.

Service is sufficient on the respondent no.2.

Learned Senior Counsel appearing for the respondent no.2 seeks time to file counter affidavit.

Learned Senior Counsel appearing for the petitioner would submit that the respondent authorities are proceeding ahead with the election of the members of Medical Council of Uttarakhand, which is bad in the eyes of law because on 28.01.2020, the petitioner was elected one of the members of the Medical Council of Uttarakhand under Section 3 (3) (c) of the Uttarakhand Medical Council Act, 2002 ("the Act") and the term thereof as per Section 4 of the Act is five years, which has not got expired. He would also submit that thought the Council may be dissolved under Section 29 of the Act by the Appellate Authority, but there should reasons for that. An order needs to be passed, which is not on record.

Learned State counsel has also filed counter affidavit.

Learned Senior Counsel for the respondent no.2 though during the course of arguments has submitted that he would take the stand, as taken by the State Government because according to learned

Senior Court for the respondent no.2, the respondent no.2 cannot take any stand other than the stand taken by the State Government. But, he further sought time to file the counter affidavit. Therefore, the matter has been adjourned.

In view it, Interim Relief Application No. 1 of 2023 has been considered.

Respondent no.2 may file counter affidavit. Thereafter, rejoinder affidavit, if any may be filed.

List this matter on 18.07.2023 after fresh for final hearing.

Till the next date of listing, no further proceedings shall be done pursuant to the advertisement dated 19.04.2023, which is annexure 3.

Interim relief application stands disposed of accordingly.

(Ravindra Maithani, J.)

12.06.2023