

CIVIL APPEAL NO /2026
(SPECIAL LEAVE PETITION (CIVIL) NO.32840/2025)

APPELLANT(s)

RESPONDENT (S)

2. The appellant herein is a qualified doctor who after obtaining post-graduation degree in the field of General Surgery from Madurai Medical College is undertaking super specialty course (M.Ch.) in Cardiac Thoracic Surgery from Christian Medical College, Vellore (for short the College) i.e., the first respondent. While he was undertaking the M.Ch. course, he was assigned the duties of a Senior Resident and paid stipend therefor. During this period, a charge-memo was served upon him by the Management of the College. Questioning the disciplinary proceedings on the ground that he was not an employee of the college,

the appellant filed a writ petition before the High Court of Judicature at Madras¹. The said writ petition was dismissed against which a special leave petition was filed, which was disposed of with liberty to take recourse to appropriate remedy. In consequence, the appellant filed a writ appeal before the Division Bench of the High Court. While the writ appeal was pending, the disciplinary proceedings culminated and order of termination was passed. Consequently, the writ appeal was disposed of by giving liberty to the appellant to take recourse to appropriate legal remedy.

3. Aggrieved by the order of termination, the appellant filed a writ petition before a Single Judge Bench of the High Court. The said writ petition was allowed vide order dated 10.10.2023.
4. The principal ground taken to assail the disciplinary proceedings and the consequential order was that there was no master-servant relationship and, therefore, disciplinary action could not have been taken by the management of the institution. The management contested those proceedings by claiming that the appellant was appointed as a Senior Resident, and the letter of

1 High Court.

appointment indicated that he would be governed by Regulations of the college and, therefore, there existed a master-servant relationship between the college and the appellant. Hence, the disciplinary proceedings cannot be questioned.

5. The learned Single Judge while allowing the writ petition recorded a finding that there exists no master-servant relationship. In support of its finding, the learned Single Judge noticed the specific stand of the National Medical Commission (in short, NMC) in their reply-affidavit that in the Post Graduate Medical Education Regulations (PGMER), 2000 there is no provision of termination of MCH course without the approval of the Regulator. Based on that, it was concluded that a student cannot be terminated by taking recourse to the provisions of Staff Service Regulations/ Rules of the College/University. In light of the above conclusion and upon finding that there was no master-servant relationship between the management of the college and the appellant, the writ petition was allowed by declaring the disciplinary proceedings as null and void.
6. Aggrieved by the order of the learned Single Judge, the

management of the institution (i.e., the first respondent) preferred an *intra court* appeal before the Division Bench of the High Court.

7. The High Court vide impugned order dated 30.04.2025 set aside the order of the learned Single Judge. However, the finding returned by the learned Single Judge that there was no master-servant relationship between the management of the institution and the appellant was not disturbed.
8. Aggrieved by the decision of the Division Bench of the High Court, the present appeal has been filed.
9. The learned counsel for the appellant has submitted that once it is not in dispute that there is no master-servant relationship between the appellant and the respondent, the initiation of disciplinary proceedings by treating the appellant as an employee of the college cannot be sustained and therefore the order of termination is null and void.
10. Having regard to the aforesaid submission, we had issued notice to the respondents. Upon service of notice, NMC has filed its counter affidavit. In the counter affidavit, it is specifically stated that trainee is not an employee of the College and has no

rights of employment. Besides, Post Graduate students are to be paid remuneration under the provisions of PGMER, 2000. PGMER, 2000 does not explicitly prescribe for suspension, termination or rustication of a postgraduate medical trainee student. It is stated in the counter affidavit that in this regard National Medical Commission Registered Medical Practitioner (Professional Conduct) Regulations, 2023 were notified on 02.08.2023, but, vide order dated 23.08.2023, the National Medical Commission has placed the said regulations in abeyance and have reinstated the earlier Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 (for short 'IMC Regulations 2002'). It is NMC's case in the counter affidavit that currently IMC Regulations 2002 are applicable. In paragraph 21 of the counter affidavit, Regulation 8 of IMC Regulations, 2002 is extracted which speaks about Punishment and Disciplinary action. Regulation 8 vests the State Medical Council with the power to hold disciplinary proceedings against any medical practitioner who violates the code of conduct set out in the regulations.

11. Regulations 8.2 to 8.6, which are reproduced in the counter affidavit, are extracted herein below:

8.2 It is made clear that any complaint with regard to professional misconduct can be brought before the appropriate Medical Council for Disciplinary action. Upon receipt of any complaint of professional misconduct, the appropriate Medical Council would hold an enquiry and give opportunity to the registered medical practitioner to be heard in person or by pleader. If the medical practitioner is found to be guilty of committing professional misconduct, the appropriate Medical Council may award such punishment as deemed necessary or may direct the removal altogether, or for a specified period, from the register the name of the delinquent registered practitioner. Deletion from the Register shall be widely publicized in local press as well as in the publications of different Medical Associations/ Societies/Bodies.

8.3 In case the punishment of removal from the register is for a limited period, the appropriate Council may also direct that the name so removed shall be restored in the register after the expiry of the period for which the name was ordered to be removed.

8.4 Decision on complaint against delinquent physician shall be taken within a time limit of 6 months.

8.5 During the pendency of the complaint the appropriate Council may restrain the physician from performing the procedure or practice which is under scrutiny.

8.6 Professional incompetence shall be judged by peer group as per guidelines prescribed by Medical Council of India."

12. As the concurrent finding of the Division Bench as well as Single Judge of the High Court including the stand taken by the National Medical Commission is that there exists no master-servant relationship between the respondent college and the appellant, and those findings have not been dislodged by the respondent college, in our view, the college in the event of any misconduct on the part of the appellant could have had recourse to the provisions of IMC Regulations, 2002 for taking such measures as may be permissible in law. On its own, the respondent college could not have terminated the appellant who was undertaking M.Ch. course therein.
13. At this stage, the learned counsel for the respondents has submitted that the Division Bench of the High Court has taken pains to consider the Committee Report and various other materials to conclude that the college was justified in acting against the appellant. He, therefore, submits that even if this Court considers that the action taken by the institution was without jurisdiction, the matter may be referred to the State Medical Council to take appropriate proceedings in

accordance with the provisions of IMC Regulations, 2002 as has been pointed out in the counter affidavit filed on behalf of NMC.

14. We have accorded due consideration to the rival submissions and have perused the materials placed on record. As we find that the learned Single Judge as well as the Division Bench of the High Court have concurrently found that there existed no master-servant relationship between the respondent-college and the appellant, the disciplinary action taken by the management of the college against the appellant by treating him as an employee cannot be sustained. However, to address the concerns of the college, it would be appropriate to give liberty to the respondent-college to refer the case of the appellant to the State Medical Council for undertaking a disciplinary proceeding as contemplated under the IMC Regulations, 2002 and take action, if required, in accordance with law, after giving opportunity of hearing to both sides.
15. Accordingly, we deem it appropriate to allow this appeal. The order passed by the Division Bench of the High Court is set aside and the order passed by the learned Single Judge is restored. However, we deem it

appropriate to direct that the management of the respondent-college will have liberty to send the records of the proceedings undertaken thus far, to the State Medical Council for taking appropriate action in accordance with the provisions of IMC Regulations, 2002. If the aforesaid records are transmitted by the respondent-college to the State Medical Council within two weeks from today, the State Medical Council shall issue notice to both sides to submit their response within next three weeks. Upon receipt of the response, the State Medical Council shall hold an enquiry in accordance with the provisions of the applicable Regulations and, thereafter, if deemed necessary, take appropriate action/ decision, as may be permissible in law, after giving due opportunity of hearing to both sides. It is expected that such decision shall be taken by the State Medical Council, preferably, within three months from the date of receipt of written response from both sides. Till the conclusion of the enquiry by the State Medical Council, or for a period of four months from today, whichever is earlier, the appellant shall remain suspended from the course. The future course will depend on the decision taken by the State Medical Council albeit subject to the remedies

available to the parties against such decision.

16. The appeal stands allowed in the aforesaid terms.

17. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[VIJAY BISHNOI]

New Delhi
August 18, 2026

ITEM NO.15

COURT NO.11

SECTION XII

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

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.32840/2025

[Arising out of impugned final judgment and order dated 30-04-2025 in WA No. 3054/2023 passed by the High Court of Judicature at Madras]

F BIRAVINTH SOLOMON

Petitioner(s)

VERSUS

CHRISTIAN MEDICAL COLLEGE & ORS.

Respondent(s)

IA No. 273742/2025 - EXEMPTION FROM FILING O.T., IA No. 284961/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES

Date : 18-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Poornachandiran R, Adv.
Mrs. Sivani Kms, Adv.
Ms. Ishika Swami, Adv.
Mr. Vairawan A.s, AOR

For Respondent(s) :Mr. Krishna Srinivasan, Sr. Adv.
Mr. E.R. Kumar, Adv.
Ms. Geethi Ara, Adv.
Ms. Sonal Gupta, Adv.
Mr. Shashi Krishna, Adv.
Mr. Abhishek Thakral, Adv.
Mr. Dilpreet Singh Dardi, Adv.
Ms. Riya Kumar Sharma, Adv.
Mr. Kshitij Padhi, Adv.

Ms. Mithu Jain, AOR
Ms. Diksha Arora, Adv.

Mr. Shashwat Jaiswal, Adv.
Mr. Shubham Agarwal, Adv.
Mr. G. Balaji, AOR
Mr. Ashwani Gehlot, Adv.
Miss Arzu Paul, Adv.
M/S. Parekh & Co., AOR

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

1. Leave granted.
2. The appeal stands allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AJEET SINGH TARIYAL)
BRANCH OFFICER