

**OFFICE OF THE RETURNING OFFICER PUNJAB MEDICAL COUNCIL  
(ELECTION) SCO NO. 25, PHASE-1, MOHALI.**

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No. R.O./Election/PMC/ 13995

Dated: 3-09-2011

**OFFICE ORDER**

Dr. A.S. Thind, Joint Director Research and Medical Education, S.C.O. 87, Sector: 40-C, Chandigarh was appointed Returning Officer vide Punjab Government notification No. 13/5/2001-3HBIII/ 2224 dated 15-3-2011 for the conduct of the election of 10 Members for Punjab Medical Council.

The notification of election schedule was published in the official gazette on 1-6-2011. During the election process Dr. Amrit Sethi filed a Civil Writ Petition No. 11789 of 2011 titled Dr. Amrit Sethi vs. State of Punjab and others. The Hon'ble Punjab and Haryana High Court on 11-7-2011 passed the following order whereby the Hon'ble High Court had restrained the Returning Officer from declaring the result.

*“The petitioner’s contention is that in an election notification, which was issued on 1-6-2011, it was directed that filing of nomination shall be before 8-6-2011. This, according to him, conflicts with Rule 14 that mandates a minimum period of 28 days for filing of nomination from the date of notification.*

*Notice of motion for 10-8-2011.*

*Dasti Notice also permitted.*

*Interim stay on declaration of results.”*

A Civil Misc. No. 9470 of 2011 was filed in the Civil Writ Petition No. 11789 of 2011. The Hon'ble High Court vacated the stay orders and allowed the declaration of the result subject to the final decision of the Civil Writ Petition. The operative para of the orders are reproduced below:-

*“Rule 14 (4) which refers to the proposal for nomination to be in writing to reach the Returning Officer not less than 28 days “before such date as may be notified under Rule 13,” must mean the reference to the notification that comes in Rule 13, which is a notification in the gazette of the “coming election”. Admittedly, the election has been notified on 1-6-2011 to take place on 16-7-2011. The reading of the petitioner is that 28 days must be from the date when the election notification is made. The contention by the applicant is that it shall be 28 days from the date when the election is notified to take place. In the manner in which Rules 13 and 14 have to be read, it appears to me that the period of 28 days shall be with reference to the date of notification when the election is to take place i.e. on 16-7-2011.*

*The date fixed as 8-6-2011 for filing of nomination leaves more than 28 days before 16-7-2011 and prima facie, there is no error in the election schedule which was notified by the Returning Officer. The interim order, which is already granted, stands vacated. The result of the election that may be announced, however, shall still be subject to the decision in the writ petition.*

*Post on 10-8-2011.*

Against the orders of Hon'ble High Court dated 27-7-2011 Dr. Amrit Sethi filed a LPA No. 1318 of 2011 titled Dr. Amrit Sethi vs. State of Punjab and others. The Hon'ble High Court stayed the vacation order issued by the Hon'ble Single Bench on dated 27-7-2011.

*“Learned counsel for the appellant has inter alia argued that under Rule 13 of the Punjab Medical Registration Rules, 1916, a notification for the election process is required to be issued by the State Government whereas a perusal of notification dated 1-6-2011 (P-2) would show that it has been issued by the Returning Officer, who is not authorized to issue the same.*

*Notice of motion.*

*Notice re: stay as well.*

*Mr. Suvir Sehgal, learned Additional Advocate General, Punjab, who is present in the court, accepts notice on behalf of the respondents-State. Five copies of the paper book shall be handed over to him during the course of the day.*

*List again on 29-8-2011.*

*In the meanwhile, operation of the order passed by learned Single Judge shall remain stayed.”*

Civil Misc. application 4045-LPA-2011, 4046-LPA-2011-4047-LPA-2011 was filed in LPA No. 1318 of 2011 was filed in the Hon'ble High Court. The case was listed for hearing on 23-08-2011. The case was adjourned for arguments on 29-08-2011.

The case was argued on 29-8-2011 and the Hon'ble High Court disposed of the case. A communication letter has been received from Advocate Bawa Singh Walia, the counsel for the Returning Officer that the case has been dismissed. The contents of the communication are reproduced below:-

*“After hearing counsel for the parties i.e. Shri R.K. Sharma, Advocate for the appellant, undersigned on behalf of the Punjab Medical Council & Returning Officer and Shri D.S. Patwalia, Advocate on behalf of added respondents, the above mentioned appeal was dismissed by the Division Bench comprising Hon'ble Mr. Justice M.M. Kumar & Hon'ble Mr. Justice Gurdev Singh on 29-8-2011. Resultantly, order of the learned Single Judge*

*vacating stay granted earlier revives. Consequentially, result can be declared. Certified copy of order would be supplied on receipt.”*

The official website of the Hon'ble High Court shows the status of LPA No. 1318 of 2011 as DISPOSED.

A communication from the office of Advocate General Punjab to all the Administrative Head shows the case as DISMISSED in the list.

Keeping in view the above facts and the Hon'ble High Court orders of the single bench whereby the court has vacated the stay in declaration of the result, there is nothing left and bars the counting of votes and declaration of result. However, the result will be subject to the orders in Civil Writ Petition No. 11789 of 2011 which is fixed for hearing on 16-11-2011.

I hereby order that the counting of votes on 4-9-2011 at 10:30 am. All the nominees in the present election have been informed telephonically and through e-mail about the counting of votes. The declaration of the result shall be subject to the final decision of the Civil Writ Petition No. 11789 of 2011.

Returning Officer  
Election to Punjab Medical Council.

No. R.O./Election/PMC/ 13995-14014

Dated: 3-09-2011

Copy forwarded for information to:-

1. Secretary, Medical Education and Research, Punjab, (Health Branch III), Chandigarh.
2. President, Punjab Medical Council.
3. Registrar, Punjab Medical Council.
4. All the nominees.

Returning Officer  
Election to Punjab Medical Council.