

Privy Council Appeal No. 14 of 1974

Sharangdhar Prasad - - - - - *Appellant*

v.

General Medical Council - - - - - *Respondent*

FROM

**THE DISCIPLINARY COMMITTEE OF THE GENERAL
MEDICAL COUNCIL**

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE
15TH JANUARY 1975

Present at the Hearing :

LORD CROSS OF CHELSEA

LORD EDMUND-DAVIES

LORD FRASER OF TULLYBELTON

[*Delivered by* LORD CROSS OF CHELSEA]

On the 24th, 25th and 26th July of last year the Disciplinary Committee of the General Medical Council held an inquiry into a charge brought against the appellant, Mr. Prasad. The charge was: "That, being registered under the Medical Acts, between about September 3rd 1973 and about February 22nd 1974, in return for fees, you issued prescriptions for drugs otherwise than in the course of *bona fide* treatment and, in particular, you so issued the prescriptions set out in the schedule accompanying the letter sent to you by the General Medical Council on April 9th 1974. And that in relation to the facts alleged you have been guilty of serious professional misconduct".

Having conducted that inquiry the Committee on the 26th July found that Mr. Prasad had been guilty of serious professional misconduct in the matters alleged and directed that his name should be erased from the Register of Medical Practitioners and that for the protection of members of the public this registration should be suspended forthwith.

At that inquiry Mr. Prasad was represented by Mr. Baylis of Messrs. Hempsons, instructed by the Medical Defence Union, but he has appealed in person from that decision to the Board.

Their Lordships have carefully considered his written Case and the submissions which he has made to them but have not found it necessary to call on Counsel for the General Medical Council because they can find no ground whatever in the Case or in what Mr. Prasad has said for interfering with the decision of the Disciplinary Committee.

On the question of serious professional misconduct there was ample evidence before the Committee, if they accepted it, that Mr. Prasad had

issued many prescriptions for drugs otherwise than in the course of *bona fide* treatment. As their Lordships understand it Mr. Prasad's chief complaint is that the Disciplinary Committee ought not to have accepted that evidence because the witnesses who gave it were persons of bad character. That submission of course was made on his behalf by Mr. Baylis to the Committee. The Committee must have had it well in mind but, having heard the witnesses and having heard Mr. Prasad, they came to the conclusion that in fact the charge was proved and that he had been guilty of serious professional misconduct. It is quite impossible for this Board to go behind or interfere with that finding. Equally, it is impossible for their Lordships to interfere with the exercise by the Committee of their discretion in deciding that for the protection of the public it was essential that Mr. Prasad's name should be erased from the Register.

For these reasons therefore their Lordships will humbly advise Her Majesty that this appeal be dismissed.



In the Privy Council

SHARANGDHAR PRASAD

v.

GENERAL MEDICAL COUNCIL

DELIVERED BY

LORD CROSS OF CHELSEA

Printed by Her Majesty's Stationery Office
1975