

Privy Council Appeal No. 11 of 1993

Dr. Subhash Chandra Malliwal

Appellant

v.

The General Medical Council

Respondent

FROM

**THE HEALTH COMMITTEE OF THE
GENERAL MEDICAL COUNCIL**

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL,
DELIVERED THE 27TH JULY 1993

Present at the hearing:-

LORD GRIFFITHS
LORD LOWRY
LORD WOOLF

[Delivered by Lord Griffiths]

The appellant, Dr. Malliwal, appeals from a direction of the Health Committee given on 24th February 1993 that, by reason of the determination that the appellant's fitness to practise was seriously impaired, his registration be suspended for a period of twelve months. An appeal from such a decision lies to this Board on a point of law only. The submissions that Dr. Malliwal has made to the Board disclose no point of law. His submissions briefly are as follows: that there was, in the early days of the appearances that he has made before the Health Committee, a misdiagnosis by a Dr. Warnes and that that has persisted throughout the various appearances he has made since 1989 and has coloured the opinion of the Health Committee. He also submits that he is the victim of a racial prejudice.

Their Lordships have examined the material before the Committee most anxiously. There were two up-to-date medical reports before the Committee. They provided ample material upon which the Committee could rely in coming to their determination that the appellant's fitness to practise was seriously impaired by reason of a condition of cerebellar atrophy of uncertain aetiology. There is no evidence whatever of any racial prejudice being exhibited by the Committee. Their Lordships will therefore humbly advise Her Majesty that this appeal ought to be dismissed.