

Dr. AK Sabhapathy vs. State of Kerala and Ors.

[AIR 1992 SC1310]

EXTRACTS ONLY

“16. xxxx. We are, therefore, of the view that the first proviso to Section 38 of the State Act in so far as it empowers the State Government to permit a person to practice allopathic system of medicine even though he does not possess the recognised medical qualifications for that system of medicine is inconsistent with the provisions of Sections 15 and 21 read with Sections 11, 14 of the Central Act. The said proviso suffers from the vice of repugnancy in so far as it covers persons who want to practice the Allopathic system of medicine and is void to the extent of such repugnancy. xxxxxx.