

IN THE HIGH COURT OF JUSTICE

CO/4007/2018; 4694/2018

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:-

DR CHANDRANATH SARKAR

Appellant

and

THE GENERAL MEDICAL COUNCIL

Respondent



THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

Appellant

-and-

(1) THE GENERAL MEDICAL COUNCIL

First Respondent

(2) DR CHANDRANATH SARKAR

Second Respondent

CONSENT ORDER

UPON the Respondents not objecting to the disposal of these proceedings for the reasons set out in Schedule 1;

AND UPON the Appellant in proceedings CO/4696/2018 ("the Professional Standards Authority") seeking an order that the First Respondent and Second Respondent pay its costs of the appeal in those proceedings, to be summarily assessed if not agreed;

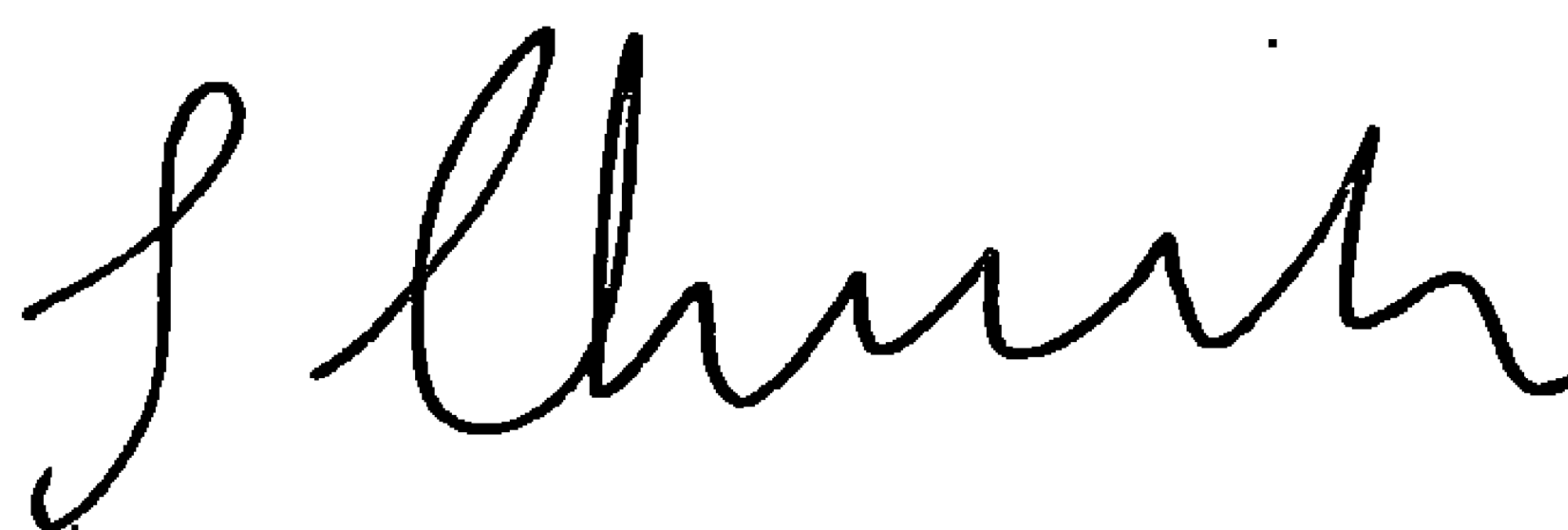
AND UPON the First Respondent in proceedings CO/4696/2018 and Respondent in proceedings CO/4007/2018 ("the General Medical Council") and the Second Respondent in proceedings CO/4696/2018 ("Dr Sarkar") seeking an order that there be no order as to costs;

BY CONSENT IT IS ORDERED THAT:

1. The appeal in proceedings CO/4007/2018 be allowed.
2. The appeal in proceedings CO/4694/2018 be allowed.
3. The decision of the Medical Practitioners Tribunal ("the Tribunal") to impose as a sanction a suspension order of four months, without any further review by it of Dr Sarkar's fitness to practice, be quashed.
4. The matter be remitted to a differently-constituted panel of the Tribunal to make a fresh decision as to sanction. Without limiting in any way the normal exercise of the Tribunal's powers, the panel considering the case is directed to specifically consider this consent order and the grounds of appeal filed in proceedings CO/4007/2018 and CO/4694/2018.
5. The Court will determine the appropriate order as to costs and make any summary assessment of the amount payable in accordance with the following process:
 - a. The Professional Standards Authority will file and serve written submissions no more than two pages in length *Braine Jacobsen LLP* a statement of costs for summary assessment, within 14 days of the order being sealed by the Court;
 - b. Dr Sarkar will file and serve written submissions no more than two pages in length, within a further 14 days;
 - c. The General Medical Council will file and serve written submissions no more than two pages in length, within a further 14 days;
 - d. The Professional Standards Authority will file and serve any written submissions in reply no more than two pages in length, within a further 14 days.
 - e. The papers will then be placed before a Judge for written determination.

We consent to an order in the above terms.

Dated this *8th* day of May 2019



Browne Jacobson LLP

Signed.....

Browne Jacobson LLP

Mowbray House

Castle Meadow Road

NOTTINGHAM

NG2 1BJ

Ref. 045833.00015

Solicitors for The Professional Standards Authority for Health and Social Care

Signed.....

GMC Legal

The General Medical Council

3 Hardman St

Manchester

M3 3AW

Solicitors for The General Medical Council

Signed..... *Marketa Synova*

The Medical Defence Union

MDU services limited

One Canada Square,

London,

E14 5GS

Solicitors for Dr Chandranath Sarkar

By the Court

Schedule 1

It is agreed, in the interests of the effective and efficient disposal of the issues in these proceedings, that each of the appeals should be allowed in order that the issue of sanction, which is disputed by each of the appellants on contrasting grounds, might be resolved on the basis that the matter be remitted for reconsideration of the issue of sanction on the basis of the findings as to facts and impairment already made.