

IN THE GRAND COURT OF THE CAYMAN ISLANDS

428  
CAUSE NO. OF 2002

In the matter of an Application for Judicial Review pursuant to Order 53 of the Grand Court Rules

And in the matter of Dr. Sanjib K. Mohanty

BETWEEN: DR. S.K. MOHANTY PLAINTIFF

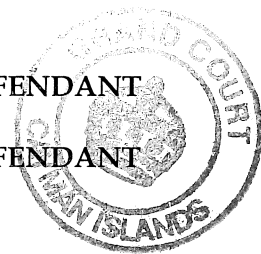
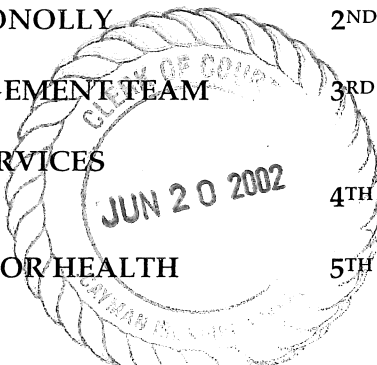
AND: DR. HEAP 1<sup>ST</sup> DEFENDANT

AND: MR. MERVYN CONOLLY 2<sup>ND</sup> DEFENDANT

AND: SENIOR MANAGEMENT TEAM 3<sup>RD</sup> DEFENDANT

AND: THE HEALTH SERVICES DEPARTMENT 4<sup>TH</sup> DEFENDANT

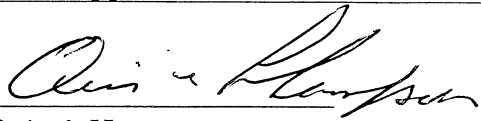
AND: THE MINISTER FOR HEALTH 5<sup>TH</sup> DEFENDANT



EX PARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant	Dr. Sanjib Mohanty Medical Practitioner P.O. Box 273 GT, George Town Grand Cayman
Judgment, order, decision or other proceedings in respect of which relief is sought	A decision dated 30 <sup>th</sup> April 2002 by Dr. Heap suspending Dr. Sanjib Mohanty's clinical privileges at the Cayman Islands and Faith Hospitals an investigation. A decision dated 24 <sup>th</sup> May 2002 by the Senior Management Team, Health Services Department suspending Dr. Sanjib Mohanty's clinical privileges at George Town Hospital and all other facilities of the Health Services Department for one further month pending an investigation.
<u>Relief Sought</u>	
1.	An Order for <i>Certiorari</i> to remove into this Honourable Court and quash the decision of the 30 <sup>th</sup> April 2002, of Dr. Heap whereby he decided that the Plaintiff's clinical privileges



<p>at George Town Hospital and Faith Hospital should be suspended pending an investigation.</p>	
<p>2. An Order for <i>Certiorari</i> to remove into this Honourable Court and quash the decision of the 24<sup>th</sup> May 2002, of the Senior Management Team, Health Services Department whereby it decided that the Plaintiff's clinical privileges at George Town Hospital and all other facilities of the Health Services Department should be suspended for a further period of one month from the date of this letter pending an investigation.</p>	
<p>3. A Declaration that the said Plaintiff is entitled to full use of all the clinical privileges at George Town Hospital and all other facilities of the Health Services Department pursuant to the agreement between the Plaintiff and the Health Services Department to allow him full use of the clinical privileges of George Town Hospital and the Health Services Department facilities.</p>	
<p>4. An Injunction restraining the First and Second Defendants from making any further suspension or restriction on the Plaintiff's clinical privileges at George Town Hospital and all other Health Services Department facilities until the outcome of a fair and impartial investigation of the clinical management of Mrs. Marbelia Jones and the correct procedures for the suspension of such privileges have been followed.</p>	
<p>5. That the Plaintiff be awarded damages arising from the actions of Dr. Heap and the Senior Management Team, Health Services Department.</p>	
<p>6. Directions generally to be given in relation to the determination of the above issues and for an order that the costs of and incidental to this application may be paid by the Defendants.</p>	
<p>7. That the Defendants be prohibited from publishing in any manner or form the decision suspending the clinical privileges of the Plaintiff at George Town Hospital and all Health Services Department facilities.</p>	
<p>Name and address of Applicant's Attorneys, or if no attorneys acting, the address for service of the applicant</p>	<p>Quin &amp; Hampson 3<sup>rd</sup> Floor, Harbour Centre P.O. Box 1348, George Town, Grand Cayman</p>
<p>Signed  Quin &amp; Hampson</p>	<p>Dated: 19<sup>th</sup> June, 2002</p>

#### GROUNDS OF WHICH RELIEF IS SOUGHT

The factual background to this Application for Leave to Apply for Judicial review is contained in the sworn Affidavit of the Plaintiff. This Affidavit will also be relied upon in support of the application on the following grounds:-



1. The First Defendant's decision to suspend the Plaintiff's clinical privileges at George Town Hospital and Faith Hospital from the 30<sup>th</sup> April 2002 pending an investigation is irrational, unreasonable and unlawful.
2. The First Defendant's actions were ultra vires.
3. The Defendants decision to suspend the Plaintiff's clinical privileges at George Town Hospital and all other facilities of the Health Services Department for a period of one month from the 24<sup>th</sup> May 2002 pending an investigation is irrational, unreasonable and unlawful.
4. The Defendants actions were ultra vires.
5. The Defendants has failed to follow its own procedure for withdrawing clinical privileges as contained in paragraph 9 of the standard form.
6. This is a case where the Plaintiff submits that the Defendants are in breach of the rules of natural justice and it is a case where it would be just and convenient for this Honourable Court to grant a declaration and the injunction prayed for herein.

TO: The Clerk of the Court

AND TO: The Legal Department  
George Town, Grand Cayman  
Attorneys-at-Law for and on behalf of the  
First, Second and Third Defendants

This **EX PARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW** was issued by Quin & Hampson, Attorneys-at-Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman

