

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

(1)

WP NO.4671/2014

36 WRIT PETITION NO. 4671 OF 2014

Dr.Rohan s/o Anand Thorat,
Age 34 years, Occ. Medical Officer at
Primary Health Centre, Dahiwel,
Tal.Sakri, District Dhule.

...PETITIONER

VERSUS

The State of Maharashtra,
Through its Secretary,
Public Health Department,
Mantralaya, Mumbai.

And three others.

...RESPONDENTS

Advocate for Petitioners : ...
 Mr.Thombre S.S.
AGP for Respondents: Mr. V.H.Dighe

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 17, 2015
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PER COURT :-

1. Heard.

2. This petition is filed with following prayers:

"B. By issuing writ of Mandamus or any other writ or order or directions in the like nature, direct the respondent no.2 to consider the petitioner's claim for giving admission to PG Degree - Diploma Course, 2014 as per the merit by setting aside the list published along with the letter dated 5.06.2014 by the respondent no.2 to the extent of petitioner and for that purpose issue necessary orders;

C. By issuing writ of mandamus or any other writ, order or directions in the like nature, direct the respondent nos. 1, 3 and 4 to complete the inquiry if any pending or

AGP/-

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proposed against the petitioner and to complete the same within a period of 1 month and further direct the respondent no.2 to give provisional admission to the petitioner and for that purpose issue necessary orders."

3. This Court, by interim order dated 13th June, 2014, directed respondent nos. 2 to consider petitioner's claim for admission to post graduation as Inter Service Candidate. This Court has further observed that admission of the petitioner shall be subject to outcome of the present petition.

4. Learned A.G.P. informed this Court that the chargesheet is sent to Director of Health Services, Maharashtra State, Mumbai, for further action / sanction, and seeking direction for further enquiry.

5. Considering similar fact situation, the Division Bench of this Court in Writ Petition No.1106/2014, in paragraph no.5 observed thus:

"5. In the facts and circumstances of the case, the ends of justice would be met by issuing direction to respondent nos. 1 to 3 to conclude departmental proceeding initiated against petitioner within stipulated period and, by issuing further direction to added respondent to consider the claim of petitioner for admission to PG degree / diploma course as an in-service candidate, subject to result of the pending departmental enquiry. Respondent nos.1 to 3 are directed to conclude the departmental proceeding and take decision as expeditiously as possible, preferably within a period of four weeks from today. Respondent no. 4 Director of Medical Education & Research, Mumbai, shall consider the claim of petitioner for admission to PG degree / diploma course as an in service candidate and, if found eligible, include his name in the merit list provisionally. Admission of petitioner to PG degree

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/ diploma course as in-service candidate shall be subject to outcome of the departmental proceeding initiated against him. In the event of issuance of adverse order in departmental proceedings initiated against petitioner, and in the event of holding him disqualified to secure admission to post graduate degree or diploma course as inservice candidate as per rules and regulations, candidate next in order of merit shall be considered eligible for admission to PG degree/diploma course. Rule made absolute in above terms. In the facts and circumstances of the case, there shall be no order as to costs."

6. In the circumstances of this case, we direct respondent nos. 1, 2, 3 and 4 to conclude the departmental proceedings initiated against the petitioner. The admission of petitioner to post graduate degree course as In Service Candidate shall be subject to outcome of the departmental proceedings initiated against the petitioner.

We hope and expect that the respondent authorities will complete the enquiry and take appropriate decision within three months from today.

The petition stands disposed of in above terms.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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