

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

WRIT PETITION NO.8496 OF 2015

1. Dr.Manoj S/o.Appasaheb Gadekar
Age : 39 Years, Occ. Medical Practitioner,
R/o. Gadekar Hospital, Phulambri,
Tq. Phulambri, District Aurangabad.
2. Dr.Anil S/o. Babarao Bobde,
Age : 39 Years, Occ. Medical Practitioner,
R/o. N-8, T.V.Center, CIDCO,
Aurangabad.

... Petitioners.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Public Health &
Family Welfare,
Mantralaya, Mumbai-32.
2. District Appropriate Authority /
Civil Surgeon,
Aurangabad.
3. Sub-District Appropriate Authority /
Medical Superintendent
Rural Hospital, Phulambri,
Taluka Phulambri, Dist.: Aurangabad.

... Respondents.

...

Mr.S.G.Chapalgaonkar, Advocate for Petitioners;
Mr.D.R.Kale, GP for Respondent No.1 / State.

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 12th October,2015.

ORAL JUDGMENT (PER:-R.M.BORDE,J.)

1) Heard. Rule. Rule made returnable

forthwith. With the consent of learned Counsel for the parties, the petition is taken up for final disposal at admission stage.

2) The appeal presented by the petitioner before Civil Surgeon, Aurangabad, has been dismissed on the ground that the same was presented beyond prescribed period of limitation. The petitioner thereafter approached the State authorities, raising a challenge to the order passed by the Appropriate Authority. However, the State authorities have directed the petitioner to approach the Civil Surgeon and as such he was required to present an appeal before the Civil Surgeon.

3) In the facts of the case, we deem it appropriate to dispose of the instant writ petition with directions to Civil Surgeon, Aurangabad, who is an Appellate Authority, to consider the appeal presented by the petitioner and pass appropriate orders in accordance with the provisions of law, after extending an opportunity of hearing to the petitioner. The order dated 22.07.2015 passed by Civil Surgeon, Aurangabad is quashed and set aside

and the matter is remitted back to Civil Surgeon, Aurangabad, with direction to take a decision in the matter in accordance with provisions of law after extending an opportunity of hearing to the petitioner, expeditiously.

4) Rule is made absolute in above terms. There shall be no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/