

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 8141 OF 2014

Sangamner Medical Foundation and
Research Institute & Hospital, Samganer
and others

... Petitioners

Versus

The Union of India
Ministry of Health & Family Welfare
and others.

... Respondents

Mr. N. B. Suryawanshi, Advocate for the petitioner
Shri B.. B. Kulkarni, ASG for respondent No.1,
Mr. S. B. Bhosale, Advocate for respondents 2 and 3
Mr. S.D.Kaldate, AGP for respondent No.4
Mr. K. C. Sant, Advocate for respondent No.5

**CORAM : S. S. SHINDE &
A. M. BADAR, JJ.**

DATE : 21st November, 2015

PER COURT :

1. Heard learned counsel for the petitioner and learned counsel appearing for the respective respondents. We have perused the pleadings in the petition, grounds taken therein, annexures thereto and replies filed by respective respondents and also the documents placed on record.

2. After hearing the learned counsel appearing for the parties and after perusing all the material placed

on record, we are of the considered view that no mandatory directions can be issued to respondent No.1 to grant permission, as applied by the petitioner, to start P.G. Course. However, upon perusal of the material placed on record, we find that three deficiencies were pointed by the respondent authorities.

3. During the course of hearing, it is contention of the counsel for the petitioner that all the deficiencies were cured and as a matter of fact, there was no any deficiency and the inspection team found everything in order. However, we have our own reservation about the said contention of the petitioner that all the deficiencies were removed by the petitioner. The respondents have pointed out three deficiencies and we are not inclined to accept the contention of the learned counsel for the petitioner that said three deficiencies were not in existence.

4. In that view of the matter, in our opinion, ends of justice would meet, if respondent no.1 is directed to send inspection team so as to find out viability of the proposal for opening PG Course in the petitioner college. Accordingly, we pass following order:

O R D E R

- i. Respondent No.1 is directed to issue necessary directions to respondent No.2 to send inspection team to inspect the petitioner college, expeditiously.
- ii. The inspection team shall confine the inspection only to the three deficiencies already pointed by respondent No.1.
- iii. The petitioner shall deposit charges/amount towards expenses of inspection team
- iv. The respondents shall not insist for depositing Rs. 6 lakhs since already the said amount is deposited by the petitioner and on the basis of said deposit only, the respondents shall proceed.
- v. As now the oral prayer of the petitioner is for opening PG Course for the academic years 2016-2017, the respondents shall carry out the direction given in this order as expeditiously as possible, however within three months.
- vi. All the contentions advanced on merits by the parties are left open to be agitated at the appropriate time in the appropriate proceedings.
- vii. With the above observations, writ petition stands disposed of.

(A. M. BADAR)**(S. S. SHINDE, J.)**