

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 120/2015**

1. Dr. Santosh N. H.,
S/o Shri Nagappa Hakude,
major of age, Indian national,
Permanent resident of Basaweshwar
Colony, Sangameshwar Nilaya Gulbarg,
Karnataka, 585 105,
Presently residing at GARD Hostel,
Room No.217, Bambolim, 403 202.
2. Dr. Manjunath T.,
S/o Teekappa, Major of age, Indian National
Permanent resident of Sub-Post Master,
Sub-Post Office Thirthahalli, District Shimoga,
Karnataka, 577 432,
Presently residing at GARD Hoste,
Room No.142, Bambolim, 403 202.

... Petitioners.

V/s.

1. State of Goa,
Through the Chief Secretary,
Having office at Secretariat Complex,
Porvorim, Goa.
2. Secretary,
Department of Health Services,
Government of Goa,
Having office at Secretariat Complex,
Porvorim, Goa.
3. The Additional Secretary,
Department of Health Services,
Government of Goa,
Having office at Secretariat Complex,
Porvorim, Goa.
4. The Dean,
Goa Medical College & Hospital,
Bambolim – Goa.

5. Medical Council of India
Pocket 14, Sector 8, Dwarka, Phase I
New Delhi 110077, INDIA. ...Respondents.

Shri Abhijeet Kamat, Advocate for the petitioners.

Shri A.N.S. Nadkarni, Advocate General with Shri Salvador S. Rebello,
Additional Govt. Advocate for the respondents No.1 to 4.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.**

Date : - 27th April, 2015.

ORAL JUDGMENT : (PER F.M. REIS, J.)

The above writ petition, inter alia, prays for a writ in the nature of certiorari quashing and setting aside the Order dated 9th February, 2015, passed by the respondents denying the exemptions to the Petitioners from the Agreement cum Bond.

2. Shri A. Kamat, learned Counsel appearing for the petitioners and Shri A.N.S. Nadkarni, learned Advocate General appearing for the respondents, point out that the above writ petition may be disposed of in terms of the orders passed by this Court.

3. After the above writ petition came to be filed, as the

petitioners had to report themselves for counselling, this Court passed interim directions by order dated 26th February, 2015. The directions, inter alia, read thus :

(I) The respondent No.4 shall forward all the original documents of both the petitioners through a nominee of the respondent No.4, so that such documents are made available to the petitioners at the time of the counselling at the Counselling Center in New Delhi on 3rd and 4th March, 2015.

(II) After the said documents are perused and verified at such counselling session, the nominee of the respondent No.4 shall get back the said original documents upon retaining certified copies thereof on records of the National Board of Examinations/College.

(III) The concerned Authorities and/or the College/s, in case the petitioners are selected shall, at the moment, act on the certified copies of such original documents.

(IV) The original documents shall be produced to the concerned College/National Board for Examinations upon further orders of this Court.

(V) Respondent No.4 shall take necessary measures to relieve the petitioners to facilitate their presence for Counselling on the said two dates i.e. 3rd and 4th March, 2015 at the Counselling Centres in New Delhi.

(VI) The petitioners shall furnish the details such as the venue and timings of the Counselling programme to the respondent No.4, in writing, by tomorrow, i.e. 27th February, 2015.”

4. Thereafter, by another order dated 23rd March, 2015, this Court passed further directions with regard to the claim of the petitioner No.1, wherein para 4 reads thus :

“4. Considering the facts and circumstances of the case and taking note of the earlier interim orders passed in the above Petition, we find it appropriate to direct the Respondent no. 4 to examine the application filed by the Petitioner no. 1 for exemption provided the Petitioner complies with all the conditions including the deposit of a sum of Rs,50,000/- and in addition furnishing an undertaking to the satisfaction of the

Registrar(Judicial) of this Court that the Petitioner shall comply and honour all the conditions in the bond and submit himself to practice in the above Medical College for a period of one year in terms of the bond.”

5. By another order dated 8th April, 2015, in Civil Application No.55/2015, this Court passed further directions in connection with petition No.2, wherein para 2 reads thus :

“2. Hence, in continuation of the directions issued by this Court vide order dated 26.2.2015, we direct the said authority at this stage to act upon the photo copies of the original certificates of the applicant which have already been produced at the time of first counselling which took place on 3.3.2015 and in case the applicant is selected, the original thereof, shall be produced as per the terms of orders of this Court.”

6. This Court has also passed an order today in Misc. Civil Application No. 297/2015, permitting the petitioner No.2 to avail off his selection, subject to certain conditions.

7. In view of the submission of the learned Counsel appearing for the petitioners and the learned Advocate General referred to herein above, Rule is disposed of in terms of the said interim orders. All the undertakings given by the petitioners stand accepted and extended.

8. The petition stands disposed of accordingly.

K.L. WADANE, J.

F.M. REIS, J.

ssm.