

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 3713 OF 2015****WITH****WRIT PETITION NO. 3714 OF 2015**

Smt. Kashibai Navale Medical
College and Hospital
Sinhgad Technical Education Society,
Survey No. 49/1, Narhe, Off. Mumbai-Pune
Bypass, Pune-411 041.
Represented through its Founder President,
Prof. M.N. Navale
Age 65 years,
Residing at STS, Vadgaon (Bk.),
Pune-411 041

....Petitioner.

Vs.

- 1 Medical Council of India,
Through its Chairman,
Pocket 14, Sector 8, Dwarka Phase-1,
New Delhi-110 001.
- 2 The Union of India,
Represented by its Secretary (Health)
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, Maulana Azad Road,
New Delhi-110 011.
- 3 The Principal Secretary,
Medical Education and Drugs Department,
Maharashtra State, Mantralaya,
Mumbai-400 032.
- 4 The Director,
Directorate of Medical Education and Research

Government Dental College & Hospital Building,
St. George's Hospital Compound,
Near V.T. Mumbai-400 001.

- 5 Maharashtra University of Health Sciences,
Dindori Road, Mhasrul, Nasik-422 004.Respondents.

Mr. Sukand R. Kulkarni for the Petitioners in all the matters.
Mr. Ganesh Gole for Respondent No.1
Mr. R.A. Rodrigues a/w Mr. Abhishek Tripathi and Mr. M.R. Prajapati
for Respondent No.2.
Mr. R.V. Govilkar for Respondent No.5.
Mr. C.P. Yadav, AGP for the State.

**CORAM : ANOOP V. MOHTA AND
K.R. SHRIRAM, JJ.
DATE : 8 MAY 2015.**

ORAL JUDGMENT (PER ANOOP V.MOHTA, J.):

Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2 In these two Petitions, the Petitioners applied to Medical
Council of India (for short, "MCI") as per the chart given below to
increase the seats in the respective subjects.

Sr. No.	Course	WP No.	New/Increase	Existing	Applied	Granted
1	MS (Orthopedics)	3713/2015	Existing	2	11	1 (in all 3)
2	MD (Pulmonary Medicine)	3714/2015	Existing	1	3	1 (in all 2)

3 Without giving reasoned order, the Respondent-MCI, not granted the seats so asked for and restricted it to 1 (in all 3) and 1 (in all 2) by communication dated 21 February 2015. The Respondent No.2-Union of India also restricted the same by communication dated 27 February 2015. The Petitioners, thereafter, submitted the details and prayed to consider and grant the seats so prayed, as according to the Petitioners they have complied with the basic requirements as required and expected hearing so that they can persuade the concerned Respondent-Committee to pass order in their favour as prayed.

4 The Respondents resisted the claim and filed an affidavit in reply.

5 By communication dated 7 January 2015, a date was fixed for hearing before the Committee constituted for this purpose and 22 January 2015 was the date given to the Petitioners to appear before the Committee. The Petitioners appeared before the Committee and filed compliance report again. By communication dated 22 February

2015, without dealing with the compliances so made by the Petitioners and without assigning any reasons, letter of permission is restricted so referred above. Here again, the reasons are missing. After compliances, it is necessary for the concerned Committee/Expert Body to give reasons and to communicate the parties their decision and the reasons behind the same. The same is also missing here. Based upon the reasons given in earlier oral Judgment passed today i.e. on 8 May 2015 in Smt. Kashibai Navale Medical College and Hospital Vs. Medical Council of India & Ors. (Writ Petition No.3709 of 2015 and other matters), we are inclined to interfere with the order to the extent that by giving opportunity of hearing to the Petitioners, the Respondents to pass reasoned order.

6 Therefore, by keeping all points open, including the Judgment already so passed, however, for increase seats as prayed, we are inclined to pass the following order in the interest of justice.

ORDER

- a) All the Petitions are accordingly allowed only to the extent of directing Respondent No.1-MCI to pass reasoned order of remaining seats, as early as,

possible preferably by 18 May 2015.

- b) By keeping all points open all the Petitions are disposed of, with liberty.
- c) Rule made absolute accordingly.
- d) There shall be no order as to costs.

The parties to act on the basis of an authenticated copy of this order.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)