

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

**WRIT PETITION NO. 3718 OF 2015  
WITH  
WRIT PETITION NO. 3708 OF 2015  
WITH  
WRIT PETITION NO. 3716 OF 2015  
WITH  
WRIT PETITION NO. 3710 OF 2015  
WITH  
WRIT PETITION NO. 3717 OF 2015  
WITH  
WRIT PETITION NO. 3712 OF 2015  
WITH  
WRIT PETITION NO. 3715 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 As the Petitioners, as well as, the Respondents are common  
and so also the common issue and grievances, we are inclined to

dispose all the Wit Petitions by this common Judgment.

3 The chart of details of courses is as under:-

| Sr. No. | Course               | WP No.    | New/Increase | Existing | Applied | Granted |
|---------|----------------------|-----------|--------------|----------|---------|---------|
| 1       | MD (Pediatrics)      | 3708/2015 | Existing     | 3        | 6       | --      |
| 2       | MS (General Surgery) | 3718/2015 | Existing     | 2        | 10      | --      |
| 3       | MS (OBG)             | 3716/2015 | Existing     | 3        | 8       | --      |
| 4       | MD (DVL)             | 3710/2015 | Existing     | 1        | 3       | --      |
| 5       | MS (Ophthalmology)   | 3717/2015 | Existing     | 2        | 5       | --      |
| 6       | MD (RADIO-Diagnosis) | 3712/2015 | Existing     | 3        | 5       | --      |
| 7       | MD (Anesthesiology)  | 3715/2015 | Existing     | 2        | 21      | --      |

4 The Petitioners applied, as per above chart, to increase the seats in various Post Graduate Degree Courses to Recommendatory Authority-Medical Council of India (for short, "MCI") for the academic year/session 2015-16. MCI however, by its recommendation dated 7 November 2014 not recommended/disapproved all the claims of the Petitioners, though the Petitioners by communication letter dated 18 November 2014 provided all the subsequent and requisite details, which stated to be compliances and removal of deficiencies even if any, along with the supporting documents. The request is also made to give hearing so that necessary compliances can be explained. We

have gone through those compliances. The Petitioners were called upon for hearing on 22 January 2015 as done in other matters. The Petitioners again filed additional compliances and attended the hearing. However, the Petitioners have not received any communication till the date of filing of these Petitions. By communication dated 13 March 2015, however, Union of India again maintained the recommendation so given by MCI by disapproving the scheme for the academic session in question. MCI and/or the Committee however, prior to this communication, not provided the reasons for such rejection to the Petitioners, even after compliances stated to be made.

5           The Respondents by an affidavit-in-reply resisted the same. We have also gone through the record and the submission so called filed by the Respondents. There is no question of submitting the reasons for the first time in the affidavit, which are also missing in the present cases. Therefore, for want of reasons, we are inclined to observe that such approach even by the Expert Body by rejecting the claim and/or case, without reasoning at the appropriate time, needs to be interfered with only to the extent to direct the Respondents to

reconsider the case of the Petitioners, in accordance with law, by giving hearing and opportunity and pass reasoned order.

6 Therefore, in view of 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 pass the order of similar nature in the following terms.

#### **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.)**