

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 8439 OF 2014**

Dr. Amol Gulabraso Badge & Ors.Petitioners.
Vs.
The State of Maharashtra & Ors.Respondents.

Mr. P.D. Paranjape i/by Ruturaj P. Pawar for the Petitioners.
Mr. A.I. Patel, AGP for the Respondent-State.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.
DATE : 15th JANUARY 2015.**

P.C.:-

The learned counsel for the parties state that the issue involved in this case was considered by the Nagpur Bench of the Bombay High Court in Writ Petition No. 3577 of 2014 (*Dr. Sushil Devendra Chavhan Vs. The Director of Medical Education & Research, Mumbai & Ors.*) and after recording a statement made by the learned Government Pleader that from the next year, the Public Health Department would strictly fill the posts falling vacant during the subsequent round on the basis of merit of the in-service candidates, the Writ Petition was disposed of.

In the present case, though the Petitioners claim to be more meritorious than the other candidates, who have been admitted on the vacant seats in the Post Graduate Degree Medical Course, the Petitioners have not joined the said candidates as parties to this Petition. So also, since

the Petitioner No.1 is taking education in the Post Graduate Diploma Course in the subject of Pediatric, the Petitioner No.2 is taking education in the Post Graduate Diploma Course in the subject of Gynecology and the Petitioner No.3 is taking education in the Post Graduate Diploma Course in the subject of Orthopedic since the academic session 2014-2015. The Petitioners cannot be granted admission to the Post Graduate Degree Medical Course, more so, when the Hon'ble Supreme Court has held by the various judgments rendered from time to time that admission to the Post Graduate Degree Courses like medicine should not be normally granted by the Court after the cut-off date. Admittedly, since the cut-off date was 30.9.2014, it would not be possible for this Court to direct the Respondents to admit the Petitioners in the Post Graduate Degree Courses in Pediatric, Gynecology and Orthopedic respectively, specially when the Petitioners had not joined the persons who have been admitted to the said posts.

In view of the aforesaid, the Writ Petition is dismissed, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)