

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9148 OF 2016**Dr.Hedgewar Smruti Rugna Seva Mandal, Hingoli through its
Secretary Vs. The Union of India and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.B.Talekar, advocate for the Petitioner.
 Mr.D.G.Nagode, Standing counsel for Respondent No.1.
 Mr.S.Y.Mahajan, A.G.P. for the State.
 Mr.Alok Sharma, Special counsel for Respondent No.3.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 27.09.2016.

PER COURT :

1. Heard.
2. During the course of hearing it was pointed out that the Central Government has passed order dated 1.8.2016 (Exh.A) without hearing the petitioner. The learned counsel for the petitioner relies on the judgment of the Apex Court in a case of **“Royal Medical Trust (Registered) and another Vs. Union of India and another”** reported in **(2015) 10 Supreme Court Cases 19**, more particularly, para 26 of the said Judgment, which lays down that the principles of natural justice is to be followed at two

stages, first where the Dental Council of India finds deficiencies during its inspection and secondly at the level of the Central Government before it passes any adverse orders after receipt of the recommendations by the Dental Council of India. In the present case vide order dated 1.8.2016 passed by the Central Government i.e. Respondent No.1, no hearing was accorded to the petitioner.

3. Considering above and the time lag, we pass the following order :

- a) The Respondent No.1 shall hear the petitioner on 29.9.2016. The petitioner shall appear before the Respondent No.1 on 29.9.2016 at 11-00 a.m and after hearing the petitioner, the Respondent No.1 shall pass appropriate orders with regard to the claim of the petitioner for increase of the intake capacity from 50 students to 100 students on its own merits.
- b) In case any adverse order is passed against the petitioner, needless to state, the petitioner shall have remedy to assail the same in accordance with law.
- c) The Writ Petition is disposed of. No costs.
- d) Authenticated copy be given.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.27.09.2016.
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