

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.317 OF 2013

Dr. Manoj Ramkrushna Kashid Petitioner
Vs.
Union of India & Others Respondents

WITH
WRIT PETITION NO.336 OF 2013

Dr. Gopal Mahadeo Shinde Petitioner
Vs.
Union of India & Others Respondents

Mr. V.M. Thorat with Ms Pooja Thorat i/by Mr. M.V.
Thorat for the Petitioner in WP-317/2013.
Mr. V.M. Thorat with Ms Pooja Thorat for the Petitioner
in WP-336/2013.
Mr. Parag Vyas with Mr. Rui A. Rodrigues for the
Respondent Nos.1 & 3 in both petitions.
Mr. A.R. Khairnar i/by Mr. D.A. Nalawade for the
Respondent No.4 in WP-317/2013.
Mr. Ganesh K. Gole for the Respondent No.5 in both
petitions.
Mr. Rahul Nerlekar for the Respondent No.6 in both
petitions.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.
DATE : JULY 14, 2016

P.C:

1. In the two petitions placed before us, Mr. Vyas and
Mr. Rodrigues produced before the Court the photocopies of the

printout from the website of the Maharashtra Medical Council, Mumbai which indicate that the petitioners in these two petitions have been registered as medical practitioners. They have been registered with additional qualifications.

2. In such circumstances, by taking these copies on record and marking them X and X1 for identification, we dispose of these writ petitions.

3. The petitioners in these petitions shall also be provided with a soft copy of this Additional Medical Qualification Registration Certificate by the Maharashtra Medical Council, Mumbai, within one week from today.

4. Mr. Thorat submits that it is only after this Court's intervention and from 2013 that the present state has been reached. In other words, the assistance to the petitioners is coming in after three years and more. If the Union of India through its Medical Colleges like INHS Asvini assures the students and enrolls them by promising award of recognized degrees, then, the least that was expected from these Colleges

and Institutions is compliance with all the Rules and Regulations. Mr. Thorat submits, only then the assurance has some meaning. It is now discovered that no compliance was made and that is why the degrees were unrecognized and not approved.

5. There is much substance in the complaint of Mr. Thorat, that for no fault of the petitioners in this case they had to suffer and, therefore, costs be directed to be paid by the Union of India to these petitioners.

6. Now though some belated efforts have been made and when the matters are brought to the High Court the recognition is obtained, the Union of India cannot take any credit for the same. It was the duty of the Department concerned, namely, the Ministry of Defence, Government of India to comply with the law without even the Court directing it to do so. In such circumstances, we direct the Union of India to pay costs, quantified at Rupees Ten Thousand to each of these petitioners. The costs be paid within a period of six weeks from

today to the petitioners, or their Advocates.

7. It would be open for the concerned Ministry in the sense the Secretary or the Departmental Head to take proceedings disciplinary or otherwise for recovery of this sum from the erring Hospital.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)