

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.761/2016

Dr. Sudhakar s/o Wamanrao Jadhav

...Versus...

The State of Maharashtra, through its Secretary, Medical Education and Drugs
Department, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri G.G. Bade, Advocate for petitioner
Shri H.D. Dubey, AGP for respondent no.1

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 01.04.2016

Initially, the petitioner had only sought a direction to the respondent no.5 – District Health Officer, Zilla Parishad, Usmanabad to issue the 'no objection certificate' to the petitioner for remaining present for counselling for the postgraduate course in the respondent no.3 - Mahatma Gandhi Institute of Medical Sciences.

According to the petitioner, though the merit list was prepared for admission to the postgraduate courses on 27.12.2015 and the petitioner was called for counselling on 14.1.2016, the petitioner could not appear for counselling as the respondent no.5 had not granted the 'no objection certificate' to the petitioner to remain present for counselling for admission to the postgraduate course. By filing an amendment application, the

petitioner has sought to convey to the Court that a 'no objection certificate' has been granted to the petitioner by the respondent no.5 after 17.3.2016. It is further stated in the amendment application that in view of the delay caused in granting the 'no objection certificate', the petitioner could not remain present for counselling and the proposed respondent no.6, namely, Dr. Vanshree Rathod was admitted to the D.G.O. course, though her name was placed below the petitioner in the merit list. It is stated that the admission of the proposed respondent no.6 needs to be cancelled and the petitioner is entitled to be admitted in the D.G.O. course.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioner cannot be granted in the circumstances of the case. Admittedly, the petitioner did not possess the 'no objection certificate' from the respondent no.5 at the time of counselling and the petitioner did not participate in the counselling for admission to the D.G.O. course. We do not find that the respondent no.5 had committed any illegality in not granting the 'no objection certificate' to the petitioner before the counselling as the petitioner had applied for the 'no objection certificate' just a day before counselling was scheduled. The non-grant of the 'no objection certificate' by the respondent no.5 to the petitioner appears to be unfortunate but since the petitioner did not appear at the counselling and since the respondent no.6 appears to be have been admitted much earlier, even before the 'no objection certificate' was issued by the respondent no.5 in favour of the petitioner, it would not be possible to exercise the discretion in favour of the petitioner

under Article 226 of the Constitution of India so as to grant the relief prayed.

Hence, in the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar