

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

WRIT PETITION NO.9968 OF 2017

Dr. Pawar Yogesh Shankar

..Petitioner

Versus

Union of India and others

..Respondents

Mr. Atul Damle, Senior Advocate a/w Mr. Hassnain Kaazi Sayyed, R. S. Kaazi, B. Shinde and R. K. Shaikh for the Petitioner.

Mr. Dushyant Kumar for the Respondent No.1 – Union of India.

Mr. Ateet Shirodkar i/by Mr. Ganesh K. Gole for the Respondent No.2.

Mr. M. M. Nair and Mr. Arnav Misra i/by Mr. Shetty L. S. for the Respondent No.3.

CORAM : B. R. GAVAI &

SANDEEP K. SHINDE, JJ.

DATE : 17th NOVEMBER, 2017

PC.

1] The Petitioner, who is a MD in Psychiatry, has approached this Court, praying for a direction to the Respondent No.2 to suitably modify the Rules and Regulations for admission to DM/DNB Neurology, so as to enable the MD psychiatrist to be eligible for admission to DM/DNB Neurology.

2] The Medical Council of India has already framed the Regulations. Insofar as DM/DNB Neurology is concerned, the qualification as provided is MD Medicine and MD Paediatrician. Mr. Atul Damle learned senior counsel appearing for the Petitioner submits that if a comparison of qualification prescribed by some other Universities and

international institutions is made, it would reveal that a candidate who has passed MD in Psychiatry is also eligible to the admission in super speciality in Neurology.

3] We are afraid, as to whether such an interference in the matter of technical expertise would be permissible while exercising Article 226 of the Constitution of India. The Medical Council of India is an apex body insofar as the medical education in the country is concerned. As to what should be the qualification for getting admission in a particular branch of super speciality in Neurology is within the domain of Medical Council of India. Right from the judgment of the Apex Court in State of Tamil Nadu Vs. Adhiyaman Educational and Research Institute and others¹, it has been consistently held by Their Lordships that in the field of technical and medical education, the highest body in the said field will have a last word insofar as the qualification etc. is concerned.

4] In any case, we do not wish to interfere with the decision of the Experts Body to find out as to what is the required qualification for super speciality in Neurology. It is best left to the discretion of the Experts Body in that field. We are of the considered view that, if we consider the

1 (1995) 4 SCC 104.

(945) -WP-9968-17.doc.

issue regarding required qualification for super speciality in Neurology, as made in the Petition, we will be totally encroaching upon the field of experts in the medical education.

5] In that view of the matter, we do not find any merit in the above Petition. The Petition is accordingly rejected.

[SANDEEP K. SHINDE, J.]

[B. R. GAVAI, J.]