

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

WRIT PETITION NO. 2945 OF 2017

Dr. Mayuri d/o Satish Parakh,
..V E R S U S..
The State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C. B. Dharmadhikari, Advocate for the petitioner.
Shri K. L. Dharmadhikari, AGP for the respondents.

CORAM:- SMT. VASANTI A NAIK &
ARUN D. UPADHYE, JJ.

DATED :- 30/06/2017.

Heard.

The petitioner has completed the MBBS Degree Course in the year 2014. Before securing admission to the MBBS Degree Course, the petitioner had furnished a bond / undertaking that she would serve in the hospital – college in the rural or other areas as per the requirement of the State Government, for a period of one year. Though a bond / undertaking was furnished by the petitioner to the aforesaid effect, the petitioner, during the period of almost three years after the completion of the MBBS Course has rendered services only for a period of four and half months, in the hospital – college of the State Government. During the academic session 2017-2018, the petitioner was entitled for admission to the Post Graduate Degree Course but the respondents were not ready to admit the petitioner in the Post Graduate Degree Course as the petitioner had not complied with the terms of the bond, i.e. she

had not rendered service in the Government hospital or college for a period of one year and had also not paid the penalty of Rs.10 lakhs for breach of the aforesaid condition in the bond. By an interim order dated 16th May, 2017, the petitioner was permitted to appear at the counselling for admission to the Post Graduation Course. It is stated that the petitioner is provisionally admitted to the Diploma Course in Gynecology in MTML Hospital and LTMM College during the pendency of the writ petition.

In the circumstances of the case, we were not inclined to direct the respondents to permit the petitioner to continue the Diploma Course in Gynecology, specially when the petitioner has admittedly breached the condition of the bond / undertaking. Though the petitioner had three years at her disposal for working in the Government Hospital or College for a period of one year as per the condition in the bond, the petitioner however did not do so and during the period of three years, worked in the Government College or Hospital only for a period of four and half months. The bond is secured by the Government with a view to ensure that the Government could avail the services of MBBS Doctors on whom considerable amount is spent by the Government for their MBBS education. The tuition fees payable by the students for the MBBS Course is muchless and a major part of the expenses that are required for pursuing the education in MBBS Course is borne by the Government. If that be so, it is necessary for the MBBS Degree Holders to comply with the condition of the bond, by working in the Government Hospital or College for a period of one year. If the M.B.B.S. Degree Holder fails to comply with the bond condition, he/she would be liable to pay a sum of Rs.10 lakhs as

per the Government Resolution dated 08/02/2008. It appears that the petitioner has breached the conditions of the bond and hence, the petitioner would be liable to pay the penalty of Rs.10 lakhs for not fulfilling the terms of the undertaking furnished by the petitioner at the time of execution of the bond.

At this stage, the learned counsel for the petitioner states that the amount liable to be paid by the petitioner towards penalty would be deposited by the petitioner with the respondent no.4, within three weeks. The statement is accepted. If the petitioner fails to deposit a sum of Rs.10 lakhs towards the penalty as per the Government Resolution dated 08/02/2008, the respondents would be free to cancel the admission of the petitioner to the Diploma in Gynecology Course and also take appropriate action against the petitioner, as need be.

With the aforesaid observations, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

Choulwar