

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

WRIT PETITION NO.3473 OF 2017

Sakshi Shikshan Sanstha, Murtizapur, Dist. Akola, Thr. Its Secretary, Dr Rajesh Ramdasji Kambe
and anr.

-vs-

The Union of India, Thr. Its Secretary, Ministry of Health and Family Welfare, New Delhi and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. A. Naik, Advocate for petitioner.
Shri U. A. Aurangabadkar, ASGI with Ms Mugdha Chandurkar,
Advocate for respondent No.1
Shri V. S. Mishra, Senior Advocate for respondent No.2.
Shri A. S. Fulzele, I/c GP for respondent No.3.
Shri Sahare, Advocate for respondent No.4.

**CORAM : B.P.DHARMADHIKARI &
ROHIT B. DEO, JJ.**
DATE : JULY 31, 2017

Though parties have addressed us at some length, after perusal of judgment of Honourable Apex Court in *Swami Devi Dayal Hospital and Dental College vs. Union of India and ors. (2014)13 SCC 506*, particularly paragraph 22.2 therein, we find that respondent No.1 ought to have heard the petitioner on deficiencies noticed by it in its inspection dated 28/02/2017.

It appears that such opportunity was not granted and on the basis of said deficiencies, respondent No.1 has passed the impugned order on 31/05/2017 that too without giving the petitioner necessary opportunity.

In this situation following the above mentioned

law, we direct the petitioner to appear before respondent No.2 on 07/08/2017. Respondent No.2 shall then hear the petitioner on compliance brought on record by petitioner and thereafter forward necessary proposal to respondent No.1 within next seven days. Respondent No.1 shall then before taking any adverse decision to the prejudice of petitioner again hear him within one week thereafter. This exercise shall be completed in any case within four weeks after 07/08/2017.

Subject to these directions, we quash and set aside the impugned communication dated 31/05/2017.

Petition is accordingly partly allowed and disposed of. Needless to mention that interim orders do not survive in view of this final order.

Steno copy of this order be provided to learned counsel for the parties.

JUDGE

JUDGE