

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

WRIT PETITION NO. 9217 OF 2018

Dr.Mrs.Chitra C. Khanwelkar
Through Power of Attorney
Holder

...Petitioner

V/s.

Directorate of Medical
Education and Research & Ors.

...Respondents

Mr.Yuvraj P. Narvankar for the Petitioner.

Mrs.S.D. Vyas, 'B' Panel Counsel for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 28th NOVEMBER 2018

P.C.:

1. By this petition under Article 226 of the Constitution of India the petitioner is claiming the following three reliefs :-

(a) This Hon'ble Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ, Order or Direction under Article 226 and 226 of the Constitution of India calling for records of impugned communication dated 25th June 2018 rejecting the petitioner's application (At Exhibit J) and after examining the legality, validity and propriety thereof, be pleased to quash and set aside the same;

(b) Be pleased to issue Writ of Mandamus against the respondent No.1 and 2 directing them to allow the petitioners application at Exhibit J for transfer of Mr.Sahil Chandrashekhar Khanwelkar from Government College at Aurangabad to Government College at Kolhapur;

(c) Alternatively, be pleased to issue a Writ of Mandamus or any other Writ, Order or Direction in the nature of mandamus directing the respondent No.1 to forward the application at Exhibit J to the respondent No.2 for further consideration on its own merits.”

2. Mr.Narvankar, learned counsel appearing on behalf of the petitioner really presses prayer clause (c) which is reproduced above.

3. When that was pressed at today's hearing, Ms.Shruti Vyas appearing for Respondent Nos.1 and 3 states that these respondents will promptly forward the request of the petitioner as referred in this petition to the Medical Council of India and the Medical Council of India's decision would be abided by and accepted by the Directorate of Medical Education and Research (1st Respondent).

4. Mr.Narvankar, on instructions, states that the petitioner would be satisfied in the event the application seeking transfer is forwarded to Medical Council of India for its consideration and the petitioner equally shall abide by the decision of Medical Council of India-Respondent No.2 in this petition.

5. In the light of the broad agreement between parties, this Writ Petition is disposed of with the direction that respondent Nos.1 and 3 shall forward the application dated 13th April 2017 made by the petitioner seeking transfer from the Government Medical College, Aurangabad to Raja Shivaji Chattrapati Maharaj Government Medical College, Kolhapur for the consideration of the Medical Council of India and while forwarding it the State Government shall not rely upon its communication impugned in the Writ Petition, copy of which is at Page 45 of the Paper Book. Let this be done within a period of 15 days from today and the Medical Council of India shall take decision thereon as expeditiously as possible totally uninfluenced by what is informed by the Directorate of the Medical Education and Research, Government of Maharashtra to the petitioner on 25th June 2018.

6. We have also ensured with the presence of Mr.Ganesh

Gole that the Medical Council of India takes a decision on the request, in accordance with the law, as expeditiously as possible and we expect it to be taken within a period of four weeks from the date of receipt of the requisite proposal from the respondent Nos.1 and 3. Needless to clarify that we have not expressed any opinion on the merits of the request made by the petitioner. The Writ Petition is disposed of.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)