

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.8130 OF 2018**

Harshvardhan S/o Ajay Deshpande .... Petitioner

Vs.

Directorate of Medical Education and  
Research & Others .... Respondents

Mr. Harshvardhan Ajay Deshpande, Petitioner  
in-person, present.

Mr. S.B. Kalel, AGP, for the Respondent-State.

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

**DATE** : AUGUST 14, 2018

**P.C:**

1. After this writ petition was heard for some time, an affidavit in reply has been tendered by the respondents.

2. Para 2 of this affidavit, on running pages 41 & 42, reads as under:-

*"2. I say that the Medical Education and Drugs Department, Government of Maharashtra in its Notification dt. 8.8.2016 had notified the following institutions as recognised Institutions for conducting the said Training viz.*

- a. *Grant Government Medical College, Mumbai.*
- b. *B.J. Government Medical College, Pune.*
- c. *Government Medical College and Hospital Aurangabad.*
- d. *Govt. Medical College and Hospital, Nagpur.*
- e. *Dr. Vaishampayan Medical College, Solapur.*

*Hereto annexed and marked as **EXHIBIT-1** is the copy of Notification dt. 8.8.2016.*

*However, till date only B.J. Govt. Medical College, Pune has conducted the said training, the other Colleges have not conducted the said Training. As the Petitioner was from Nagpur Division his name was not included in the list of eligible candidates. If the Petitioner is interested in attending the course/Training, we are ready to admit him subject to the condition that it shall not be the precedent for the next year.”*

3. After this affidavit was placed before us, we repeatedly enquired from Mr. Kalel as to how the statements made in para 2 of this affidavit and reproduced above can be reconciled with para 3 and he says that the respondents are fearing that an order of this Court will set a precedent and there will be further litigation.

4. We do not see why there should be a further

litigation for there has to be a clarity in the policy and the rules and regulations. Be that as it may, we have accepted these statements in para 2 of this affidavit as undertakings to this Court. The statements and the undertakings shall be taken as restricted to the petitioner's case and our order will not create a precedent for future cases.

5. We are happy to note that the respondents are agreeing that the petitioner can join the B.J. Government Medical College, Pune for the training and the petitioner says that he will join on or before 31-8-2018. If he so joins, the necessary training be imparted to him and we are confident that academicians and experts bear no grudge against the petitioner for he has approached this Court aggrieved by the action of the State Government and not individuals. The apprehension of the petitioner, therefore, that he will not be imparted training merely because he is from Vidarbha region or from Nagpur, is baseless. The writ petition is disposed of in the above terms.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)