

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

Civil Application [CAW] Stamp No.26634 of 2018
in
Writ Petition No.7848 of 2017

Dr. Ravi Shamsunder Bang & others

vs.

*State of Maharashtra, through its Secretary, Department of Medical Education &
Drugs, Mantralaya, Mumbai & others*

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

Court's or Judge's Orders

Shri D.P. Thakre, Addl.G.P. for the Applicants/Respondent Nos.1 to 4.
Shri B.G. Kulkarni, Advocate for the Petitioners.
Shri R.M. Bhangde, Advocate for Respondent No.5.

CORAM : S.B. SHUKRE & S.M. MODAK, JJ.

DATE : 24th NOVEMBER, 2018.

Heard Shri D.P. Thakre, learned Additional Government Pleader for the applicants/respondent Nos.1 to 4, Shri B.G. Kulkarni, learned Counsel for the petitioners and Shri R.M. Bhangde, learned Counsel for respondent No.5.

The learned Additional Government Pleader submits that as the design of the building or the structure, where the MRI machine is to be installed, has to conform to the norms of the Atomic Energy Board, the MRI machine cannot be installed, in spite of availability of funds till the structure consistent with the norms of Atomic Energy Board is built and presently that structure not being available, the college authorities are finding it difficult to initiate the process for installation of MRI machine. Although, it may be true that the place, where the machine is to be installed, must conform to the standards of the Atomic

Energy Board, one fails to understand as to why respondent Nos.1 to 4, which are running the post graduation as well as diploma courses in Radiology have not so far taken any step for installation of the MRI machine. Earlier, the excuse was that funds were not available and now when the funds have been made available, the Government and the college authorities come out with another reason for not installing the MRI machine. Now, it is said that the design of the building or the structure must be made in accordance with the norms of the Atomic Energy Board. This is nothing but avoidance of the duty by those, who are entrusted with the responsible job of imparting training to the students. Therefore, it is time that the highest authorities at the State Government look into the matter by paying their personal attention and see that the disorder which is prevailing in the administration of the affairs of the Indira Gandhi Medical College is set right at the earliest. Moreover, as rightly submitted by the learned Counsel for the petitioners that this is not an adversarial litigation and therefore, the college authorities must seize at the available opportunity to ensure that the MRI machine is installed at the earliest.

It is, therefore, directed that respondent Nos.1 to 4 shall ensure to install the MRI machine at the earliest and preferably within a period of further six weeks from the date of the order, as previously this Court has already granted eight weeks' time for such compliance. It is made clear that no further leniency would be shown in the matter and in case there is a non-compliance with this order, this Court shall not hesitate to consider the non-compliance as willful

disobedience by the concerned authorities with the order of this Court.

Meanwhile, leave is granted to the learned Counsel for the petitioners to implead the Union of India as respondent No.6.

Necessary amendments be carried out within two weeks and, thereafter notice be issued to newly added respondent.

The application is disposed of accordingly. Stand over after eight weeks.

Authenticated copy of this order be furnished to both sides.

JUDGE

JUDGE

**sandesh*