

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.13406 OF 2017

Dr.Sankalp s/o Dilip Shirsath

Petitioner

Versus

The Medical Council of India & others

Respondents

Mr.V.D.Hon, Senior Counsel i/by Mr.A.V.Hon, advocate for the petitioner.

Mr.S.K.Kadam, advocate for Respondent No.1.

Mr.G.G.Kadam, advocate for Respondent No.2.

Mr.S.P.Shah, advocate for Respondent No.4.

Mr.S.B.Deshpande, Assistant Solicitor General for Respondent No.5.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 24th April, 2019.

P.C. :

1 This petition can be conveniently disposed of at this stage.

2 The petitioner, after having completed his MBBS in 2010, was admitted to Post Graduate degree course in Radiology by Respondent No.4-College.

3 It is the case of the petitioner that he was admitted in the very first batch of PG Course, which was made operational in Respondent No.4-College.

4 Since, at the relevant time, the batch of PG students, to which the petitioner was granted admission, was not recognized

by the Medical Council of India, he failed to get registration as a recognized qualified candidate holding degree in MD Radiology. In the wake of this eventuality, the petitioner has approached this Court seeking directions to the Respondent-authorities to consider his prayer for grant of recognition to his PG degree in Radiology in view of the subsequent development i.e. amendment to the “Postgraduate Medical Education Regulations, 2000”.

5 Our attention is invited to the provisions of the Notification dated 5th April, 2018, whereby Section 6 (2) is amended as under:

(2) The Institution shall apply for recognition of the Post Graduate Medical qualification to the Central Government through the affiliating University, when the first admitted batch shall be due to appear for the examination to be conducted by the affiliating University.

6 According to learned Senior Counsel Shri Hon, since the petitioner has passed out PG Radiology course in the very first batch of students, which was conducted by the Respondent No.4-College, his case fits into the aforesaid requirement under the amended regulation.

7 When confronted, Shri Hon, learned Senior Counsel was gracious enough to state that there is no right in the individual student to apply for the recognition of the course. As such, according to him, the prayer is required to be considered at the behest of the Institution, who has conducted the PG Course.

8 In response to the aforesaid submission of Mr.Hon, learned Senior Counsel, Mr.Shah, learned Counsel appearing for

Respondent No.4-College undertakes to forward a proposal pursuant to the amendment to the Postgraduate Medical Education Regulations, 2000, referred above, for grant of recognition to the batches of PG courses, which were conducted by it. He submits that such proposal, complete in all respects, will be forwarded to the Medical Council of India within a period of four weeks from today. Mr.Kadam, learned Counsel appearing for Respondent No.1-Medical Council of India, submits that within a period of six weeks from the date of receipt of such proposal, the same will be forwarded with appropriate recommendation to the Central Government, who is the competent authority, in pursuance to the provisions of Section11(2) of the MCI Act.

9 Once such proposal for grant of recognition is received by the Central Government, we expect the Central Government to take appropriate decision on the same within a period of Ten weeks from the date of receipt of such proposal.

10 Writ Petition, as such, stands disposed of.

11 Needless to say that in case the Central Government passes any order adverse to the interest of the petitioner or that of Respondent No.4-College, they have every right and liberty to question the said decision.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE