

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2682 OF 2018

Dr. Shantanu Chandrashekar	...	Petitioner
versus		
Medical Council of India and Ors.	...	Respondents

Dr. Milind Sathe, Senior Advocate with Ms. Anita Castellino, Mr. Bhushan Deshmukh, Mr. Siddharth Chandrashekhar i/by Mr. Bruno Castellino, for Petitioner.

Mr. Ritesh Ratnam i/by Mr. Ganesh Gole for Respondent Nos.1 and 5.

Mr. H.S.Venegavkar, AGP, for Respondent Nos.2, 3 and 7.

Mr. Rahul Nerlekar, for Respondent No.4.

Dr. Sunil Pundge, OSD, DMER, Mumbai present.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 28th AUGUST, 2019

P.C.:

1. The Petitioner having obtained MBBS degree from a foreign university, had appeared in common entrance test for admission in post graduate medical courses. He was debarred from participating in the process for securing admission on that basis, upon which the present Petition came to be filed. In an interim order dated 28th April, 2017, this Court recorded the contention of the Counsel for the Petitioner that the Petitioner is intending to get admission in an unaided private institution and/or deemed university college, for which the requirement of the Petitioner having passed MBBS course

from the university in Maharashtra is not applicable. Finding prima facie substance in such contention, this Court granted interim relief by directing that the Petitioner be allowed to participate in the counselling and would be allowed to submit the options for Post Graduate admission process for unaided private institution / deemed university colleges. It was however, provided that if the Petitioner is found eligible and admission is granted, it would be subject to the outcome of the Petition. We are informed that pursuant to this interim order, the Petitioner participated in the counselling and secured the admission to PG course (MS General Surgery) in Dr. D.Y.Patil Medical Hospital and Research Centre, which is a college run by Deemed University.

2. Today, when the matter was called out, the learned AGP appearing for the State stated on instructions that the State policy does not debar a student like the Petitioner who may have obtained MBBS degree from foreign university from securing admission in a post graduate medical course in a college run by a deemed university.

3. In view of this statement, the entire controversy does not survive. We are therefore, not gone into the legality of the larger policy of the Government. In the result, the Petitioner would be

allowed to pursue and complete his present course without any further restriction. The interim order is made absolute. The Writ Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)