

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

WRIT PETITION (L) NO.3204 OF 2018

Dr.Swapnil Vijay Bobde and Ors. .. Petitioners

Vs

The Union of India and Ors. .. Respondents

Mr.V.M.Thorat a/w Mr.Anukul Sheth I/b
M.V. Thorat for the Petitioners.

Mr.Parag Vyas a/w Mr.Dharmesh Joshi
for Respondent No.1.

Mr.Ganesh K. Gole a/w Mr.Ritesh Ratnam
for Respondent No.2.

Mr.Shailesh S. Pathak for Respondent
No.3.

**CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.**

DATE :- MARCH 4, 2019

P.C. :-

1. On this petition, the following order was passed on 29th
January, 2019:-

“1. Mr.Gole states that the Board of Governors in Supersession of Medical Council of India met and considered the matter with regard to recognition of Master of Surgery (General Surgery) qualification for two seats at the ESI-PGIMSR, ESI Hospital, Andheri (East), Mumbai. They have considered the Legal Section Note and thereafter decided to recommend to the Central Government to recognise this qualification for two seats in respect of students being trained at this institute for the four batches admitted from academic year 2013-14. The Central Government is requested to notify the above

qualification in respect of students admitted for academic years 2013-14, 2014-15, 2015-16 and 2016-17 in terms of the Post Graduate Medical Education Regulation, 2000 clause 6(2) and 6(3). The request is that the Government of India through the Ministry of Health and Family Affairs should do the needful at the earliest.

2. Mr.Parag Vyas appearing for this Ministry says that this court should grant three weeks' time so as to enable him to obtain further instructions. He would revert back and inform the court whether this recommendation is accepted or otherwise.
3. At the request of Mr.Vyas and to enable him to make appropriate statements, we place this matter on 4th March, 2019. The matter shall appear under caption "For Passing Final Orders".

2. When this matter was placed today, Mr.Parag Vyas has produced a copy of the notification issued by the Government of India, Ministry of Health and Family Welfare dated 14th February, 2019, which reads as under:-

"TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (ii) OF THE GAZETTE OF INDIA

Government of India
Ministry of Health and Family Welfare
(Department of Health and Family Welfare)

Nirman Bhawan New Delhi
Dated the 14 February, 2019

NOTIFICATION

S.O.... in exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :-

In the said Schedule :-

1) against “Maharashtra University of Health Sciences, Nashik”, under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :-

(2)

(3)

“Master of Surgery (General MS (General Surgery) Surgery)”

(This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students admitted for the academic year 2013-14, 2014-15, 2015-16, 2016-17 at ESI-PGIMSR, ESI-Hospital, Andheri (E), Mumbai.)

[No.U.12012/14/2019-ME-1/FTS
No.3198168]

(P.K.Bandyopadhyay)
Under Secretary to the Govt. of India.
Ph : 2306 2959

To,
The General Manager,
Government of India Press,
Mayapuri Ring Road, New Delhi-110064”

3. In the light of this notification, Mr.V.M.Thorat says that the petition has worked itself out. It is disposed of accordingly.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)