

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

MISC. CIVIL APPLICATION NO.66 OF 2019
IN
WRIT PETITION NO.7590 OF 2017

(Dr. Pradeep Arora Vs. The State of Maharashtra thr. its Chief Secretary, Mantralaya,
Mumbai)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Dr. Pradeep Arora (In Person).
Shri Anand Parchure, Advocate for Intervenor.

CORAM: R.K. DESHPANDE & VINAY JOSHI, JJ.

DATE: 1st FEBRUARY, 2019.

Heard.

2] The contention raised in this review application is that three judgments cited, one in the case of *Dr. Shubhada Motwani v. State of Maharashtra (2015)*, the second in the case of *Dr. Kavita Pravin Tilwani v. State of Maharashtra (2015)* and third in the case of *Indian Medical Association v. State of Maharashtra (2016)* have not been taken into consideration by this Court in the judgment delivered on 02.11.2018 of which review is sought.

3] No doubt that specific reference to these judgments has not been made, but we put a specific question to the petitioner appearing in person as to whether any of these three judgments are rendered after coming into force of the Act of which the validity was under challenge before us. The answer is that none of these judgments

considered the validity of the enactment brought into force w.e.f. 07.09.2017. In view of this, such arguments we find are dealt with by us in paragraphs 25 to 28. It is, therefore, not possible for us to re-open the issue on this ground.

4] It is also sought to be urged that the challenge on the touchstone of Article 14 has also not been considered. We put a specific question to the petitioner appearing in person as to whether the challenge on the basis of Article 14 was raised or not. He submits that though the argument was based upon Article 19(1)(g), the matter could have been considered on the touchstone of Article 14 of the Constitution of India also. We do not find any reason to entertain such argument in Review Petition. Be that as it may, we find that the judgment also answers such issue though it is not specifically dealt with.

5] It is urged that the petitioner did not challenge the provision of Section 6 of the Act but the judgment deals with it. We find that in the absence of dealing with the validity of Section 6, the petition could have been dismissed in motion hearing, as it is by way of this provision the Act becomes applicable.

6] It is also urged that the petitioner be granted leave to file an appeal before the Hon'ble Apex Court under Section 134-A read with Article 132. The judgment was delivered on 02.11.2018. The petitioner has still time to approach the Hon'ble Apex Court and we do not find that any substantial question of law of public importance is involved in the matter to grant certificate. The application is

therefore, dismissed.

7] The application for intervention filed by the Indian Medical Association also does not survive the same is dismissed.

JUDGE

JUDGE

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