

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

WRIT PETITION NO. 740/2022

Dr.Mahadev Parashram Rathod,
Aged about 55 years, Occupation: Doctor,
R/o Kanhoba Sonography Centre, Near Buldana
Urban Bank, Mangrulpir, Tq. Mangrulpir,
District – Washim.

PETITIONER

.....VERSUS.....

1. State of Maharashtra, through its Secretary,
Health Department, Mantralaya, Mumbai – 32.
2. Director of Medical Education and Research,
Government Dental College and Hospital
Building, Saint George Hospital Compound,
Fort, Mumbai.
3. Additional Director, Health Services, Family
Welfare, Mother & Child Care, Health
Education, Pune, District – Pune.
4. Civil Surgeon, General Hospital,
Washim, District – Washim.

RESPONDENTS

Shri A.D. Girdekar, counsel for the petitioner.
Shri D.P. Thakare, Additional Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : 20TH JUNE, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner being duly qualified and having undertaken
training of Ultra Sonography had sought registration of his Sonography

Centre by making an application. On 20.02.2017, the respondent no.4- Civil Surgeon issued a Certificate of Registration to the petitioner which certificate was valid for the period from 20.02.2017 to 19.02.2022. Shortly prior to expiry of that period, the respondent no.4 informed the petitioner that the petitioner was required to pass the Competency Based Test (CBT) examination by 20.06.2022 failing which the petitioner would be required to undertake training for six months. The petitioner was called upon to submit a Bond to that effect after which his request for renewal of permission would be considered on provisional basis. Being aggrieved by the aforesaid communication, the petitioner has challenged the same.

3. The grievance of the petitioner is that the CBT examination has not been held for the last two years and hence the condition imposed by the impugned communication is arbitrary.

Today, the learned Additional Government Pleader on behalf of the respondent no.2 on instructions submits that the CBT examination would be conducted within a period of three months and latest till the end of September-2022.

4. It is seen that in terms of the notification dated 26.06.2020 issued by the Central Government through the Department of Health and

Family Welfare existing registered medical practitioners are required to qualify in the CBT examination as specified.

5. It is seen from the record that the earlier Certificate of Registration was valid till 19.02.2022. The impugned communication dated 09.12.2021 requires the petitioner to clear the CBT examination by 20.06.2022 and on failure to pass the same to undergo training for a period of six months from an institution recognized by the Medical Council of India. In the light of the statement made on behalf of the respondent no.2 that such test would be conducted within a period of three months, the writ petition is disposed of by passing the following order:-

- (I) The petitioner is permitted to furnish a Bond as required by the communication dated 09.12.2021.
- (II) The statement made on behalf of the respondent no.2 that the Competency Based Test would be conducted within a period of three months from today is recorded and accepted.
- (III) It would be open for the petitioner to appear in that test and on failure to do so to undergo training for a period of six months as stated in the notification dated 26.06.2020.
- (IV) On the petitioner furnishing a Bond as required, the respondent no.4 shall proceed to issue provisional registration certificate that would be operative subject to the result of the Competency Based Test.

6. Rule is made absolute in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

APTE