



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 12692 OF 2023

Janadhar Medical Stores .. Petitioner.
v/s.
State of Maharashtra
& Others .. Respondents.

WITH
WRIT PETITION NO.11770 OF 2023

Lokmanya Tilak Medical College
& Hospital Cons. Co-operative Society Ltd. .. Petitioner.
v/s.
State of Maharashtra
& Others .. Respondents.

WITH
WRIT PETITION NO.12697 Of 2023

Maa Saheb Youth Foundation, Rahimatpur .. Petitioner.
v/s.
State of Maharashtra
& Others .. Respondents.

Mr. Akshay R. Kapadia i/b. Rajendra U.Datar, for the Petitioner in W P No.12692 of 2023.

Mr. Sahil Choudhari, for the Petitioner in W P No.11770 of 2023 and W P No.12697 of 2023.

Mr. D. P. Paladkar, for Respondent-NACOF, in all the Petitions.

Mr. P. P. Kakade, GP with Mr. V. M. Mali, AGP for the Respondent-State in all the Petitions.

**CORAM: SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA,JJ.
DATED : 12th OCTOBER, 2023.**

PC:-

Heard learned Counsel for the Petitioners in all the Petitions,

learned AGP for Respondent Nos.1 to 4 in all the Petitions and learned Counsel for Respondent No.5, who appears by waiving notice, in all the Petitions.

2 Upon hearing the learned Counsel for the Petitioner, it appears that the basic grievance of the Petitioner is that Government Resolution dated 11th July, 2023 has not been issued with the approval of Cabinet of Ministers, which approval was taken in case of Government Resolutions dated 2nd February, 2023 and 31st July, 2023. If this is the nature of grievance of the Petitioners in respect of Government Resolution dated 11th July, 2023, we are of the opinion that it can be worked out by issuing appropriate directions.

3 The learned Counsel for the Petitioners submit that as regards other challenge, the Petitioners may be granted liberty to question the legality and correctness or otherwise of the Government Resolutions dated 2nd February, 2023 and 31st July, 2023 by making a representation to the concerned departments. We see no impediment, in granting such liberty.

4 Accordingly, we direct that the Department of Medical Education and Drugs, which has issued Government Resolution dated 11th June, 2023 may consider seeking approval of the Cabinet of Ministers for the Government Resolution dated 11th July, 2023, as has been done by the other Departments while issuing Government Resolutions dated 2nd February, 2023 and 31st July, 2023. The approval, if any, may be sought, within a period of four weeks from the date of the order.

5 With regard to Government Resolutions dated 2nd February,

2023 and 31st July, 2023, we grant liberty to the Petitioners to question these Government Resolutions by making suitable representations to the Principal Secretary, Urban Development Department and Principal Secretary, Public Health Department respectively within a period of two weeks from the date of the order and we further direct that if any such representations are made, same shall be decided by these Departments in accordance with law, at the earliest, preferably within a period of four weeks from the date of receipt of the representations.

6 All contentions are kept open.

7 We make it clear here that we have not expressed our opinion on the merits of the matter and we have also not granted any stay to the effect and operation of the Government Resolutions dated 2nd February, 2023, 11th July, 2023 and 31st July, 2023.

8 All Petitions are disposed of on the above terms.

(FIRDOSH P POONTIWALLA,J.)

(SUNIL B. SHUKRE,J.)