

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

WRIT PETITION NO. 6510 OF 2022

1. Dr. Saranya R.K. Age 33 years,
R/o Rema, Bhavan Vallana
Erumakadu P.O. Kerala 689532
2. Dr.Rahul Suryabhan Baghel,
Age 31 years, R/o Ward No.3,
Plot No.39, Gajanan Nagar,
Electronic Zone, Hingna Road,
Nagpur 440016.
3. Dr.Akhil Raghavan, Age 38
years, r/o Avanthika House,
Civil Station Post Office,
Kozhikode, Kerala, 673020.
4. Dr.Ketki Ambulkar, Age 29
years, R/o 79, Bajaj Nagar,
Nagpur 440010.
5. Dr.Ram Suresh Murkut, Age 31
years, R/o Quarter No.1,
Ground Floor, ESI Quarters,
Tukdoji Putla Nagpur 440012.
6. Dr.Akshay Kodmalwar, Age 28
years, R/o Plot No.53,
Dhanwantari Nagar, Umred
Road, Nagpur- 440009.
7. Dr.K.Ranjith G.Kumar, Age 30
years, R/o 4/556 Temple Street,
Navappalayam, Gengavaram
(Post), Kalasapakkam(Tq)
Triuvannamalai (District) Tamil
Nadu 606901.

8. Dr. Parag Nilkanth Manape,
Age 35 years R/o Ganesh Ward,
Pauni, Near Old PSS College,
Pauni, Dist.Bhandara-441910.

Petitioners**-Vs.-**

1. National Medical Commission,
Poket-14, Sector-8, Dwarka
Phaze-1, New Delhi 77,
Through its Deputy Secretary.
2. Maharashtra Medical Council
189, Anand Complex, 2nd Floor,
Sane Guruji Marg, Arthur Road
Naka Chinchpokli (W), Mumbai
400011, through its Registrar.
3. Maharashtra University of
Health Science, Dindori Road,
Mhasrul, Nasik 422004,
through its Registrar.
4. Shri.Vasantrao Naik,
Government Medical College,
Yavatmal, through its Dean.
5. Director, Directorate of Medical
Education and Research,
Government Dental College and
Hospital Building, St.Georg
Compound, Near V.T.Mumbai-
400001.
6. Post Graduate Medical
Education Board, through its
President, Pocket-14, Sector 8,
Dwarka, Phaze-1 New Delhi.77.

Respondents

WITH
WRIT PETITION NO. 6511 OF 2022

1. Dr. Prashant Chandrakant Chipde, Age 29 years, Occu. Student, R/o. Matoshree Raje Udaram Colony, Chikhali Road, Civil Line, Washim-444505,
2. Dr.Nikhil Nagorao Gadade, Age 27 years, Occup. Student, R/o. Renuka Niwas, Ganga Nagar, Hingoli 431513.
3. Dr.Sujit Vilas Bhosale, Age 29, Occup.Student, At Post Balwadi Tal. Sangola, District:Solapur, 413308.

Petitioners

-Vs.-

1. National Medical Commission,Poket-14 , Sector-8, Dwarka Phaze-1, New Delhi 77, Through its Deputy Secretary.
2. Maharashtra Medical Council 189, Anand Complex, 2nd Floor, Sane Guruji Marg, Arthur Road Naka Chinchpokli (W), Mumbai 400011, through its Registrar.
3. Maharashtra University of Health Science, Dindori Road, Mhasrul, Nasik 422004, through its Registrar.
4. Shri.Vasantrao Naik, Government Medical College, Yavatmal, through its Dean.

5. Director, Directorate of Medical Education and Research, Government Dental College and Hospital Building, St.Georg Compound, Near V.T.Mumbai-400001.
 6. Post Graduate Medical Education Board,through its President, Pocket-14, Sector 8,Dwarka, Phaze-1 New Delhi.77.
- Respondents**

WRIT PETITION NO. 6512 OF 2022

1. Dr.B. Vinod Kumar, Age 32 years, Occ.Student, R/o H.N. 2-415/1, Village -Lingapur, Mandal-Dandepally, Dist.Mancherial, Telangana-504206.
Presently R/o at Medical Campus, SVNGMC,Yeotmal, Tq. And District Yeotmal.
2. Dr.Ramkrishan Kachhawa, Age 34 years, Occup. Student, R/o 3A,101 Mahindra Bloomdale, Mihaan, Nagpur 441108.
3. Dr.Ashish Madhavrao Kusare, Age 29, occup. Student, R/o Gurudev Nagar, Ring Road, Warud, Dist.Amravati, Maharashtra 444906.
4. Dr. K.A.Sahithiya, Age 28 years, Occup. Student 6/3 Cauvery Nagar, T. Pet Road, Musiri Trichy District, Tamil-Nadu-621211.

5. Dr.Govind Bhagavan Shinde,
age 33 years, Occ.Student, R/o
Near Kavita Mangal Karyalaya,
Mahavir Nagar, Darwaha, Dist.
Yavatmal,Maharashtra
445202.
6. Dr. Patankar Abdunnoor
Nisar,age 33, Occ.Student, R/o
2/201, Aghadi Nagar, Andheri
East, Mumbai- 400093.
7. Dr.Rahul Prakash Kharat,
occ.Student Age-28 years, R/o
Yuvraj Residency, Row House
No.B-8, Pisadevi, Aurangabad
431008.
8. Dr.Yeul Abhijit Manoharrao,
age 30, occup. Student, R/o
Mills, Deomali, Taluka,
Paratwada, District Amravati
444805,

Petitioners

-Vs.-

1. National Medical Commission,
Poket-14, Sector-8, Dwarka
Phaze-1, New Delhi 77,
Through its Deputy Secretary.
2. Maharashtra Medical Council
189, Anand Complex, 2nd
Floor, Sane Guruji Marg,
Arthur Road Naka Chinchpokli
(W), Mumbai 400011, through
its Registrar.
3. Maharashtra University of
Health Science, Dindori Road,
Mhasrul, Nasik 422004,
through its Registrar.

4. Shri. Vasantrao Naik,
Government Medical College,
Yavatmal, through its Dean.
5. Director, Directorate of
Medical Education and
Research, Government Dental
College and Hospital Building,
St.Georg Compound, Near
V.T.Mumbai-400001.
6. Post Graduate Medical
Education Board,through its
President, Pocket-14, Sector
8,Dwarka, Phaze-1 New
Delhi.77.

Respondents

**WITH
WRIT PETITION NO. 6513 OF 2022**

1. Dr.Vishwanath Gangaram
Marshivnikar, aged 29 years,
occup. Student, R/o
Shivalay,Haribhau Dange,Marg,
Malegao,Road, Taroda Khurd,
Ulhas Nagar, Taroda, Bk,
Nanded, Maharashtra 431605.
2. Dr.Shrisha Manjunath Hegde,
Aged 32 years, Occup. Student,
R/o H.No.38, Salekoppa,
Post:Ekkambi, Sirsi, Taluka,
Uttara Kannada, Karanataka
581358

Petitioners

-Vs.-

1. National Medical Commission,
Poket-14, Sector-8, Dwarka
Phaze-1, New Delhi 77,

Through its Deputy Secretary.

2. Maharashtra Medical Council
189, Anand Complex, 2nd Floor,
Sane Guruji Marg, Arthur Road
Naka Chinchpokli (W),
Mumbai 400011, through its
Registrar.
3. Maharashtra University of
Health Science, Dindori Road,
Mhasrul, Nasik 422004,
through its Registrar.
4. Shri.Vasantrao Naik,
Government Medical College,
Yavatmal, through its Dean.
5. Director, Directorate of Medical
Education and Research,
Government Dental College
and Hospital Building, St.Georg
Compound, Near V.T.Mumbai-
400001.
6. Post Graduate Medical
Education Board,through its
President, Pocket-14, Sector
8,Dwarka, Phaze-1 New
Delhi.77.

Respondents

Mr. Vipul Bhise, and Shantanu Khedkar and Naval
R.Shiralkar, J.Y.Ghurde counsel for the petitioner.

Mr.S.M.Ukey, Addl.G.P for respondents 2,4 and 5.

Mr.N.D.Thombare, counsel for respondent 3.

Mr.Rahul M.Bhangade, counsel for respondents 1 and 6.

CORAM:ROHIT B. DEO AND

MRS. VRUSHALI V. JOSHI, JJ.

DATE : 26th APRIL, 2023

ORAL JUDGMENT (Per : Rohit B. Deo, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. The relief sought in the petition is that the respondent 1-National Medical Commission and respondent 6- Post Graduate Medical Education Board, be directed to recognise the MD (general Medicine) degree of the petitioners and to substitute the word “Permitted” by the word “recognised” in the MCI certificate.

4. The further submission and prayer is that the additional medical qualification registration certificate issued by the respondent 2- Maharashtra Medical Council herein be corrected by deleting the note which is to the effect that the qualification should not be treated as

conferring recognised medical qualification under the Indian Medical Council Act, 1956.

5. The backdrop of the grievance is that due to certain deficiencies in the infrastructure of the respondent 4- Government Medical College, the MCI did not grant the recognition although the permission to start the course was granted, and consequentially, the expression “Permitted” is found in the certificates which we have referred to supra.

6. It appears that the grievance of the petitioners is redressed. NMC (Respondent 1) has filed affidavit in response and we may extract paragraphs 45 to 47 of the affidavit in response dated 17.04.2023.

“45. It is respectfully submitted that the matter pertaining to grant of recognition to the Postgraduate Medical Qualification of MD (General Medicine) as awarded by respondent no.3- Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students trained at respondent no.4- Shri. Vasantrao Naik, Govt. Medical College, Yavatmal, Maharashtra with intake capacity of 8 seats was duly considered by the Post-Graduate Medical Education Board of the answering respondent. The Post-Graduate Medical

Education Board of the answering respondent after due discussion and deliberation, keeping in view the interest of the students, had decided to grant recognition to the qualification of MD (General Medicine) as granted by respondent no.3 Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students admitted till the academic session 2021-22 at respondent no.4- Shri.Vasantrao Naik, Govt. Medical College, Yavatmal, Maharashtra.

46. It is further submitted that the answering respondent vide order dated 08.02.2021, copy whereof is annexed herewith as ANNEXTURE R-1/2, had already informed respondent no.3- Maharashtra University of Health Sciences, Nashik, Maharashtra that respondent no.4-Shri. Vasantrao Naik, Govt. Medical College, Yavatmal, Maharashtra that the said medical college had been directed not to grant admission in MD (General Medicine) course from academic session 2022 onwards.

47. It is thus respectfully submitted that the answering respondent had duly granted recognition to the qualification of MD (General Medicine) as granted by respondent no.3- Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students admitted till the academic session 2021-22 at respondent no.4- Shri.Vasantrao Naik, Govt.Medical College, Yavatmal. Maharashtra”.

7. We are further informed that in identical factual matrix the Delhi High Court has issued directions that the certificates be corrected.

8. Be that as it may, inasmuch as, even according to the respondent 1-NMC, the course is not only permitted,

the course is recognised, we see no impediment in allowing these writ petitions with the direction that the certificates issued by the Respondent 4- be corrected and the word “Permitted” be substituted by the word “recognised”. We further direct that the certificates issued by the respondent-2 (Maharashtra Medical Council, Mumbai) be corrected by deleting the note *“qualification should not be treated as conferring recognised medical qualification under the Indian Medical Council Act, 1956”*.

9. The writ petitions are allowed in the aforesaid terms.

10. Rule is made absolute in the above terms. No order as to costs.

(MRS.VRUSHALI V. JOSHI, J)

(ROHIT B. DEO)