

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

WRIT PETITION NO.7370 OF 2023

The Pet Doctors Association of Pune (Regd.),
through its President & Anr. ... Petitioners

V/s.

The State of Maharashtra,
Through the Chief Secretary & Ors. ... Respondents

Mr. C. D. Nargolkar i/by Aumkar Joshi for the Petitioners.

Mr. P. P. Kakade, GP, Mr. O. A. Chandurkar, Add. GP, Mrs. G. R.
Raghuwanshi, AGP for the Respondents-State.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 02nd APRIL 2024

P.C. :

Heard learned counsel representing the Petitioners
and learned Government Pleader representing the Respondent-
State.

2. On the oral prayer made by the learned counsel for
the Petitioners, let the Additional Chief Secretary/Principal

Secretary, Department of Public Health, Government of Maharashtra be impleaded as Respondent No.5. Necessary amendments shall be carried out by the learned counsel for the Petitioners during the course of the day. Re-verification is dispensed with.

3. By instituting the present Writ Petition under Article 226 of the Constitution of India, certain prayers have been made in respect of certain amendments in a state enactment, viz., "The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010" (hereinafter referred to as 'the said Act').

4. Submission made by the learned counsel for the Petitioners is that the existing provisions of the said Act are not adequate to deal with the violence to which the medical personnel are being subjected to and accordingly the Act needs to be made more stringent.

5. A prayer has thus been made in the Writ Petition to direct the State authorities to take decision on the suggested amendments/additions in the said Act as per Exhibit 'F' annexed to the Writ Petition.

6. Exhibit 'F' is a document prepared by the Petitioners themselves, and according to the learned counsel for the Petitioners, the said document contains a proposal for making necessary amendments in the said Act, which will make the law more stringent to meet the requirements.

7. The Petitioners have also prayed that they may be permitted to participate in the meetings of the Expert Committee appointed by the State Government by means of the Government Resolution dated 24th March 2021 and further that the Respondents may also be directed to allow the representatives of the Petitioners to attend and participate in the meetings of the Expert Committee.

8. Sofar as prayer clause (a) made in the Writ Petition is concerned, essentially the Petitioners are seeking a direction to be issued for making the said legislation in a particular manner. Such a prayer cannot be granted by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

9. As regards the prayer clauses (b) and (c), we may observe that the Department of Public Health, Government of Maharashtra issued a Government Resolution dated 24th March 2021 constituting an Expert Committee for conducting a review of the 2010 Enactment. We also notice that the said Committee was constituted pursuant to an order passed by this Court on 17th March 2021 in Public Interest Litigation (Stamp) No.2332 of 2020. Our attention has been drawn to an order dated 22nd June 2021 passed by a Coordinate Bench of this Court in the aforesaid Public Interest Litigation (Stamp) No.2332 of 2020, wherein an observation was made recording the statement of the Public Prosecutor that the Committee of experts members had prepared the draft amendment and the said draft

amendment has been proposed to be inserted in the said Act and that such proposal shall be submitted to the State Government within two weeks.

10. Accordingly, what we infer is that the Committee constituted under the Government Resolution dated 24th March 2021 might have submitted its recommendations by now and, hence, the prayer, at this juncture, for directing the Committee to allow the participation of the Petitioners will neither possible nor permissible.

11. However, having regard to the concerns raised in the Writ Petition, we only permit the Petitioners that whatever suggestions they have to make, can be made by them to the Additional Chief Secretary/Principal Secretary, Department of Public Health, Government of Maharashtra within 10 days from today and if any such suggestions are made, then appropriate decision thereon shall be taken by the concerned.

12. With the aforesaid direction, Writ Petition is disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)