

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

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**INTERIM APPLICATION NO.3838 OF 2021
IN
WRIT PETITION NO.11792 OF 2017**

Dhanvantari Homeopathic
Medical College & Hospital

.. Applicant/Petitioner

Vs.

Union of India & Ors.

.. Respondents

...

Mr. Atharva A. Dandekar a/w Mr. Hitendra Singh, Advocates for the
Applicant/Petitioner.

Mr.Purnima Awasthi, Advocate for Respondent No.2-NCH.

Mr. Akashay Pansare i/by Mr. Sachindra B. Shetye, Advocates for
Respondent No.3-MUHS.

Mr. B. V. Samant Addl. GP a/w Mrs. T. N. Bhatia, AGP for the Respondent-
State.

...

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 9th MAY 2024.

PC. :

1. By this interim application, the original petitioner prays that the
Respondent No.3-Maharashtra University of Health Sciences be directed to
declare the results of the BHMS course that was pursued by various
students for the period 2017-18 to 2021-22.

2. We have heard the learned counsel for the parties. It is seen that on
3rd November 2017, the following order was passed:

“1. Issue notice to the Respondents returnable on 4.12.2017.

2. *Heard the learned counsel for the Petitioner on the question of grant of interim relief. Perusal of the impugned order would reveal that though shortcomings which were pointed out by the show-cause notice dated 1.8.2017 have been duly replied by the Petitioner contending therein that shortcomings were complied with, same is not at all taken into consideration while passing the impugned order.*

3. *All shortcomings detailed in the show-cause notice have been replied to, by the Petitioner parawise with documents in support thereof.*

4. *It is not in dispute that the said college is running over a period of 17 years. It could thus be seen that the impugned order is passed without taking into consideration reply filed by the present Petitioner.*

5. *It is further to be noted that though the hearing is given by some other persons, the impugned order is passed by some other authority. Principles of natural justice would require that authorities which hear the matter should pass the order.*

6. *It is further to be noted that various co-ordinate benches of this Court have passed similar orders which are placed on record by the Petitioner.*

7. *In that view of the matter, we are inclined to grant interim protection. There shall be ad-interim relief in terms of prayer clause (e)."*

4. Pursuant to the aforesaid order, about 45 students were admitted to the BHMS course 2017-18. In the meanwhile, the said students have completed their education and their results have been declared by the

University. Their degrees however have not been released on the ground that the present proceedings are pending.

5. We find that the students have been admitted pursuant to the interim relief granted in the writ petition after hearing the parties. Since the students have pursued their education pursuant to the said interim relief, no useful purpose would be served by refusing the prayer for release of their degrees. The writ petition is still pending and equities, if any, could be worked out against the petitioner. In view of aforesaid, it is directed that the Respondent No.3 shall release the respective degrees of the students who have successfully completed the BHMS course during the period 2017-18 and have passed in 2021-22. The needful be done within a period of two weeks from today.

6. The interim application is disposed of.

[JITENDRA JAIN, J]

[A.S. CHANDURKAR, J.]