

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17053 OF 2024

Ajinkya Ramachandra Godge

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. B.R. Mangale, Advocate for the Petitioner.

Mr. V.G. Badgajar, AGP for Respondent Nos.1, 2 & 5.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 27th NOVEMBER, 2024

P.C. :-

1. We have perused the Medical Certificate issued by Dr. Ashok R. Bade, District Civil Surgeon, Beed, dated 23rd January, 2024, wherein he has plainly observed in the Medical Report as under :

"प्रमाणित करण्यात येते की, श्रीषा रामेश्वर बिचितकर वय ४ वर्ष यांना (Mentally Retarded) मतिमंद हा आजार असून त्यांना वेळोवेळी औषधोपचार व विशेषतज्ञ यांच्या तपासणीची आवश्यकता आहे.
करीता प्रमाणित करण्यात येते."

2. We are circumspect as to whether the Civil Surgeon can

issue such a certificate without referring a four years old child to a specialised Medical Board having specialized doctors on the board, before declaring the person as 'Mentally Retarded'. We do not appreciate issuance of such certificates without proper tests.

3. We are, therefore, directing the Petitioner to add Dr. Ashok Raosaheb Bade, District Civil Surgeon, Beed as Respondent No.7. Addition be carried out forthwith.

4. **Issue notice** to the Respondents, returnable on **20th January, 2025**. The learned AGP waives service of notice on behalf of Respondent Nos.1, 2 and 5.

5. This matter will be listed in the fresh admissions category.

6. Respondent No.7 shall file his personal affidavit and state as to what are the Medical Tests that were performed by a particular Medical Board and whether the four years old daughter of the Petitioner was referred to such a specialized board for Medical Examination.

7. Needless to state, if at all the Petitioner is eligible for a transfer in the general transfers that would occur in between April to June, 2025, she is at liberty to make an application, which shall be considered strictly in accordance with the rules and Government Resolutions applicable.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)