

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION (L) NO. 12834 OF 2024
WITH
INTERIM APPLICATION (L) NO. 19647 OF 2024

Dr. Suhas Hari Pingle .. Petitioner/Applicant

Versus

Union Of India
Through Ministry Of Health And
Family Welfare And Ors. .. Respondents

WITH

INTERIM APPLICATION (L) NO. 21621 OF 2024
IN
PUBLIC INTEREST LITIGATION (L) NO. 12834 OF 2024

Yash Rajeev Junnarkar .. Applicant

IN THE MATTER BETWEEN :

Dr. Suhas Hari Pingle .. Petitioner

Versus

Union of India And Ors. .. Respondents

WITH

WRIT PETITION NO. 2703 OF 2023

College Of Physician And Surgeon .. Petitioner

Versus

State Of Maharashtra .. Respondent

WITH

INTERIM APPLICATION (L) NO. 29846 OF 2023
IN
WRIT PETITION NO. 2703 OF 2023

Suhas Hari Pingle

.. Applicant

Versus

College Of Physician And Surgeon
And Ors.

.. Respondents

WITH

INTERIM APPLICATION (L) NO. 30718 OF 2023

IN

WRIT PETITION NO. 2703 OF 2023

Ravi Nair

.. Applicant

Versus

College Of Physician And Surgeon
And Ors.

.. Respondents

WITH

WRIT PETITION NO. 2144 OF 2023

Shrirang Limaye

.. Applicant

Versus

State Of Maharashtra (Medical And
Drugs Department) And Ors.

.. Respondents

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Mr. V. M. Thorat a/w Mr. M. V. Thorat, Ms. Pooja Thorat, for the
Petitioner in PIL(L)/12834/2024 and for the Applicant in
IA(L)/29846/2023.

Mr. R. A. Dada, Senior Advocate a/w Mr. Zubair Dada, Mr.
Narayan Sahu, Mr. Yogesh Cahwak, Mr. Chirag Dave, Mr.
Rohan Gupta and Mr. Shubham Kalbere i/b Legasis Partners
for the Petitioner in WP/2703/2023 and for the Respondent
No.5 in PIL(L)/12834/2024.

Mr. Vishwajeet Kapse a/w Mr. Vivek R. Walavalkar, for the

Petitioner in WP/2144/2024.

Mr. Rui Rodrigue a/w Mr. D. P. Sing, for the Respondent No.1-
UOI in PIL(L)/12834/2024 and IA/19647/2024.

Mr. Ganesh Gole a/w Mr. Viraj Shelatkar, for the Respondent
No.2-NMC in PIL(L)/12834/2024.

Mr. Rahul Nerlekar, for the Respondent No.4 (NMC).

Dr. Birendra Saraf, Advocate General a/w Ms. Jyoti Chavan,
Addl.G.P., Ms. Pooja Patil, A.G.P., for the State of Maharashtra,
in IA(L)/19647/2024, IA/21621/2024, PIL(L)/12834/2024,
with Ms. P. H. Kantharia, Govt. Pleader for the State of
Maharashtra in WP/2703/2023, IA(L)/29846/2023,
IA(L)/30718/2023, WP/2144/2024.

Mr. Sharan Jagtiani a/w Adv. Priyank Kapdia, Ms. Riddhi
Wagle i/b Mr. Vishal Shriyan, for the Applicant/Intervenor in
IA(L)/21621/2021.

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**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 19th JULY, 2024

P.C:-

1. While hearing the Public Interest Litigation and two other Writ Petitions, one being filed by the College of Physician and Surgeon alongwith the distinct Interim Applications filed, we have come across a communication dated 05.07.2024 addressed by the National Medical Commission ("NMC") to the Secretary, Ministry of Health and Family Welfare, New Delhi, where the inputs were offered regarding admission process of College of Physicians and

Surgeons of Mumbai (CPS) Institute.

It make reference to a show cause notice issued to the College of Physician and Surgeon by the NMC for not following the regulatory provision, and certain deficiencies as regards Maintenance of Minimum Standard of Medical Education Regulation, 2023, as specifically highlighted.

The issue as regards safeguarding the career of the students and also the health system in general, has been specifically flagged by expressing an opinion of the NMC that there should be no admission to the PG medical courses run by CPS, Mumbai in the State of Maharashtra as well as other States/UTs.

In addition, the NMC has specifically taken a note of the proposed counseling being conducted by the Government of Maharashtra, for the admission for Academic Year 2023 in the hospitals/institutions running courses under the umbrella of CPS, Mumbai and this has been projected to be in violation of the directives of the Apex Court in case of **Ashish Ranjan And Ors. V/s. Union of India And Ors. Reported in (2016) 11 SCC 225**, which has pronounced that there can no admission after the last date of joining and the last date of joining for the Academic Year 2023, was 30.11.2023.

The communication being issued with the approval of the Chairman of NMC, was forwarded to the Secretary, Ministry of Health and Family Welfare, on 05.07.2024 and our attention is invited to this communication by Mr. Gole, since it is included in his compilation.

2. Mr. Gole has also invited our attention to the

communication of the same date addressed to the Commissioner and Competent Authority, Medical Education & Research, Government of Maharashtra, pertaining to the admission to Medical Post-Graduate CPS Fellowship Courses at Maharashtra State Government/Corporation Medical Colleges/Hospitals and Unaided Private Institutes/Hospitals for Academic Year 2023-2024 through NEET-PG 2023.

The learned Advocate General Dr. Saraf is however not sure about the receipt of the said communication and in any case he would like to take instructions of the said aspect.

3. In the wake of the specific stand of the National Medical Commission, we would like the Central Government through Ministry of Health and Family Welfare, to make its stand clear before us on both the aspects, which are flagged in the said communications and we expect Mr. Rodrigue representing the Ministry of Health and Family Welfare, offer a clarity upon the continuation of the process by the State Government for the Academic Year 2023-2024, as it would allow us either consider the Interim Applications or the Public Interest Litigation alongwith the Writ Petitions themselves.

4. We have noted that the Director of Medical and Research has already placed on record an affidavit dated 09.07.2024, where various aspects which are pleaded in the PIL have been specifically traversed, but since according to Dr. Saraf there is no response to the challenge raised to Section 28 of the Maharashtra Medical Counsel Act, 1965, we expect that the State to be ready with an additional affidavit, so that if an occasion arises to decide the the PIL, we shall have stand of the

State Government before us.

5. We also make it clear that since in the wake of the urgency expressed, as there is no clarity to a number of students who might be desirous of joining the courses, and since this will be followed by the process for admission of 2024-2025, the PIL and the Petition by CPS deserve hearing.

We therefore expect all the authorities who are impleaded as Respondents, to file their pleadings, within a period of one week from today.

Re-notify to 24.07.2024. To be listed under the caption “for Directions” on Supplementary Board.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)