

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**INTERIM APPLICATION (L) NO.19647 OF 2024
IN
PUBLIC INTEREST LITIGATION (L) NO.12834 OF 2024
WITH
PUBLIC INTEREST LITIGATION (L) NO.12834 OF 2024**

Suhas Hari Pingle

.. Applicant/Petitioner

Versus

Union of India

Through its Ministry of Health and
Family Welfare and Ors.

.. Respondents

**WITH
INTERIM APPLICATION (L) NO.22722 OF 2024
IN
PUBLIC INTEREST LITIGATION (L) NO.12834 OF 2024**

Shrirang Limaye

.. Applicant

Versus

Suhas Hari Pingle

.. Respondent

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

Yash Rajeev Junnarkar

.. Applicant

Versus

Suhas Hari Pingle

.. Respondent

**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 .. Respondents
Ors.

**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 .. Respondents
Ors.

**WITH
WRIT PETITION (L) NO.24270 OF 2024
WITH
INTERIM APPLICATION (L) NO. 27072 OF 2024
IN
WRIT PETITION (L) NO.24270 OF 2024**

College of Physician and Surgeon .. Petitioner/Applicant

Versus

Union of India
Through Ministry of Health and
Family Welfare .. Respondent

WITH

**INTERIM APPLICATION (L) NO. 25530 OF 2024
IN
WRIT PETITION (L) NO.24270 OF 2024**

Suhas Hari Pingle .. Applicant
Versus
College of Physician and Surgeon .. Respondent

**WITH
WRIT PETITION (L) NO.24553 OF 2024**

Dr. Yash Rajeev Junnarkar .. Petitioner
Versus
Union of India .. Respondent

**WITH
WRIT PETITION (L) NO.26384 OF 2024**

Vishal Ravindra Pawar .. Petitioner
Versus
The President College and Surgeons
of Mumbai .. Respondent

**WITH
WRIT PETITION NO.2144 OF 2024**

Shrirang Limaye .. Petitioner
Versus
State of Maharashtra
(Medical and Drugs Department) .. Respondent

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Mr. M. V. Thorat, for the Petitioner in PIL(L)/12834/2024.

Mr. Rafique Dada, Senior Advocate a/w Mr. Zubair Dada, Mr.Chirag Dave, Mr. Rohan Gupta and Mr. Shubham Kalbere i/b Legasis Partners, for Petitioners in WP/2703/2023, WP(L)/24270/2024, and for Respondent No.5 in PIL(L)/12834/2024.

Mr.Vishwajeet Kapse a/w Mr. Kartavya Ostwal, for the Petitioner in WP/2144/2024 and for the Applicant in IA(L)/22722/2024.

Mr.Devang Vyas, ASG a/w Mr. Rui Rodrigues, Mr.D.P. Singh Mr. Sheelong Shah, Ms. Vaibhavi Choudhary, Mr. Jolaj Prakash, for Respondent No.1- UOI in PIL(L) /12834/2024.

Mr.Ganesh Gole a/w Mr. Viraj Shelatkar, Adv. Kunjan Makwana, for Respondent No.2 (NMC) in PIL(L) No.12834/2024 and WP(L) No.24270/2024 and WP(L) No.24553/2024.

Mrs. Shehnaz V. Bharucha, for Respondent No. 1 (UOI), in WP(L)/24553/2024.

Mr.Rahul Nerlekar, for Respondent No.4- MMC in PIL(L) No.12834/2024

Dr. Birendra Saraf, AG a/w Ms.Jyoti Chavan, Addl. GP, Ms Pooja Patil, AGP for the State in IA(L)/19647/2024, IA(L)/22722/2024, IA(L)/21621/2024, PIL(L)/12834/2024, WP/2703/2023, IA(L)/29846/2023, IA(L) No.30718/2023, WP/2144/2024, WP(L)/24270/2024, IA(L)/27072/2024 and WP(L)/24553/2024.

Mr. A. A. Thaver a/w Mr. Ajinkya K. i/b Mr. Vishal Shriyan, for the Petitioner in WP(L)/24553/2024 and for the Applicant in IA/21621/2024 in PIL(L) No.12834/2024.

Mr.Amit Karkhanis, for Respondent No. 1 in WP(L) /24270/2024.

Adv. Sunny Jain a/w Mr. Sanjay Pandey, Mr. Abhishek Kolge, Adv. Xavier Fernandes, for Intervenor/Applicant in IA(L)/30718/2023 in WP/2703/2023.

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**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 16th OCTOBER, 2024**

P.C:-

1. A detailed order was passed on 19.09.2024,

expecting the pleadings to be completed and by specifically recording our displeasure as regards the conduct of the Union of India, who had failed to respond to the notices, despite specific directions being issued to file its affidavit-in-reply.

The same scenario continued today, and in place of Mr. Rodrigues and Mr. D. P. Sing who were earlier representing the Union of India, due to the non-compliance of our directions has constrained the learned ASG Mr. Vyas to appear before us and once again making the same request, and we are showing indulgence and expecting that the Under Secretary, Government of India, Ministry of Health and Family Welfare, to personally look into the matter.

2. In our earlier order we have expressed our strong displeasure about the approach of UOI and today merely because of Mr. Vyas plead before us that he shall instruct the concerned officer and have the affidavit filed on or before 21.10.2024, we are inclined to show indulgence one more occasion.

However, while we direct listing of these Petitions on 22.10.2024, we make it clear that either the affidavit from UOI is before us or the Under Secretary, Government of India, Ministry of Health and Family Welfare, shall remain present before us on the said date at 10.30 a.m.

3. As far as, the affidavit filed by Mr. Gole appearing for the Respondent No.2 is concerned, Mr. Dada, the learned Senior Counsel informed that the copy of the affidavit is served upon him recently and he would like to go through the same

and if necessary file a rejoinder.

Mr. Gole is at liberty to file the additional affidavit by furnishing the copy of the same to the contesting counsel, on or before the next date of hearing.

4. Mr. Thorat, the counsel representing the Petitioner in PIL(L)/12834/2024 is also granted liberty to file his affidavit in the Registry by furnishing the copy of the same to the contesting counsel.

5. We expect the completion of the pleadings before 22.10.2024 so that when the group of Petitions is listed before us on the same day, we will charter the further course of action.

To be listed on 22.10.2024, on the Supplementary Board.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)