



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4729 OF 2024

Dr Mahendra Narayan Bharambe, Buldhana and anr.

-VS-

The State of Maharashtra, Thr. Secretary, Public Health Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Vivek Rathod, Advocate for petitioners.

Shri S. M. Ghodeswar, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM : NTIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : August 19, 2024

1. Not on board. On mentioning, taken on board.
2. Heard Shri V. Rathod, learned counsel appearing for the petitioners.
3. The issue sought to be canvassed in the petition pertains to infringement of constitutional right of the petitioners conferred under Article 19. It is urged that the petitioners being Medical Officers are entitled to practice their profession in addition to Government service and in such an eventuality they cannot claim non-practicing allowance.
4. The learned counsel would claim that the issue is under consideration in Writ Petition Nos.2567/2023, 534/2023, 535/2023 pending before Nagpur Bench, Writ Petition Nos.11584/2019, 11674/2019 with other writ petitions and Writ Petition No.6443/2023, pending before Aurangabad Bench, Writ Petition Nos.9069/2022, 9248/2022 and Writ Petition St. No.3448/2020 pending before Principal Seat.

5. According to Shri Rathod, learned counsel Clauses 4.1, 4.3, 4.4, 4.5 and 4.7 of the Government Resolution dated 07/08/2012 are stayed by the Courts in the aforesaid writ petitions.
6. As such he is seeking *ad-interim* relief in the present petition.
7. That being so, **Rule.**
8. Shri S. M. Ghodeswar, learned Assistant Government Pleader waives notice of hearing for respondent Nos.1 to 3.
9. In the meanwhile, clauses 4.1, 4.3, 4.4, 4.5 and 4.7 of Government Resolution dated 07/08/2012 shall remain stayed insofar as it affect the present petitioners until further orders.
10. We direct registry of this Court to place copy of this order before the Honourable Chief Justice on Administrative side so as to club all the writ petitions raising similar issue pending before the Principal Seat and the Benches.
11. To be heard along with Writ Petition Nos.534/2023, 535/2023, 2567/2023, 4753/2024 and 3356/2024.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)