



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10114 OF 2025

Prithivi Mahendrasingh Solanki & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Godhamgaonkar Manish D., for Petitioner.
- Mr. S. K. Tambe, Addl. GP for Respondent Nos.1 and 4.
- Mr. Patil Jayant R., for Respondent Nos.2 and 3.
- Mr. Gangakhedkar S. S., for Respondent No.5.

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 04th SEPTEMBER 2025.

ORAL ORDER : (PER MANISH PITALE, J.)

1. Heard learned counsel for the petitioners and the respondents.

2. The petitioners are students of B.A.M.S. Course and they appeared for final year examination in June/July 2025. The petitioners could appear for all the examination papers except Shalakyta Tantra II (ENT), which was held on 04th July 2025. The petitioners unfortunately met with an accident as the auto-rickshaw in which they were traveling turned turtled. They were taken for first aid to a medical facility, but by the time they could finish receiving first aid and reach the examination center, it was already too late. As a consequence, they could not appear for the said paper.

3. In this backdrop, by the present petition, the petitioners are praying for a direction to respondent Nos.2 and 3 i.e. the Maharashtra University of Health Sciences and Controller of Examinations of that University to re-hold the examination for that particular paper for the petitioners and a further direction is sought against the said respondents to allot marks to the petitioners for the said subject on the basis of their performance in other subjects.

4. The learned counsel for the petitioners is at pains to point out that unless such relief is granted, the petitioners would lose a whole year, as their internship program would stand postponed till they pass all the examination papers pertaining to the final year of the said course.

5. Upon notice being issued, the respondents have appeared through counsel. The learned counsel for respondent Nos.2 and 3 invited attention of this Court to the reply affidavit filed on behalf of the said respondents. Reliance is placed on the provisions of the Indian Medicine Central Council (Amendment) Regulations, 2016, particularly Regulation 7 thereof, pertaining to compulsory rotatory internship, to contend that the petitioners can join the internship only after passing all subjects from first to final professional examinations

and declaration of such result pertaining to the said course. It is submitted that although the said respondents have all sympathies for the petitioners, in the facts and circumstances of the present case, no relief can be granted in the present petition, except to indicate that the petitioners can appear in the supplementary examination that will be conducted in December 2025.

6. The learned counsel for the petitioners submits that this Court may consider the case of the petitioners sympathetically and pass appropriate orders, so that the relief is granted to the petitioners.

7. We are of the opinion that although the petitioners, due to very unfortunate circumstance, could not appear for one paper in the final year of the said professional course, in writ jurisdiction this Court cannot grant the positive directions sought in prayer clauses (c), (d) and (e), as it would amount to issuing directions in the teeth of the relevant Regulations.

8. Regulation 7(1) of the Indian Medicine Central Council (Amendment) Regulations, 2016, stipulates that a student would be eligible to join the compulsory internship program only after passing all subjects from first to final professional examinations and after declaration of the result of the final professional examination. In the

present case, the result of the petitioners for the final professional examination has not been declared as they could not appear for the aforesaid one examination paper. So long as they have not passed in all the subjects and their result has not been declared, this Court cannot pass any positive direction for permitting the petitioners to join the internship program.

9. As stated on behalf of respondent Nos.2 and 3 supplementary examinations will be conducted in December 2025. The petitioners are at liberty to appear in that one examination paper during supplementary examinations in December 2025, and if they are able to satisfy Regulation 7(1) of the aforesaid Regulations, we are assured that they would be able to pursue the compulsory internship program for completion of the B.A.M.S. professional course.

10. In the facts and circumstances of the present case no relief can be granted to the petitioners, except for the observations made hereinabove.

11. The petition is disposed of as such. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)