

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.34 OF 2009

Dr. Chandrashekhar Jagdish Shaligram	Petitioner
versus	
State of Maharashtra & Ors.	Respondents

**WITH
CIVIL APPLICATION NO.74 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.34 OF 2009**

Institute of Skill Development and Training Pvt. Ltd.	Applicant
IN THE MATTER BETWEEN	
Dr. Chandrashekhar Jagdish Shaligram	Petitioner
versus	
State of Maharashtra & Ors.	Respondents

Mr. Ajay Raje Nimbalkar i/b Mr. S.S. Patwardhan *for the Petitioners.*
Mr. M.M. Pabale, AGP *for Respondent Nos.1 to 3/State.*
Mr. Ganesh K. Gole a/w Mr. Viraj Shelatkar *for Respondent No.5.*

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE : 6 AUGUST 2025.

P.C.:

1. By this Petition filed in public interest the Petitioner has sought the following reliefs:

“A) That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the respondents herein to close and stop the practice of the ophthalmology by optic shop owners and paramedical ophthalmic personnel by whatever name called.

B) Pending hearing and final disposal of this petition, this Hon’ble Court be pleased to direct the respondents by order of injunction to stop and close the practice of the ophthalmology by optic shop owners and paramedical ophthalmic personnel by whatever name called.

C) Interim and ad-interim relief in terms of prayer clause (B) above be granted.”

2. We have heard Mr. Nimbalkar, the learned counsel for the Petitioner, Mr. Gole, the learned counsel for Respondent No.5 and Mr. Pabale, the learned AGP for Respondent/State.

3. We have gone through the Affidavit-in-Reply filed on behalf of the Directorate of Health Services, State of Maharashtra. In paragraph 6 of the said Affidavit-in-Reply following stand is taken:

“6) With reference to Para 9 of the Public Interest Litigation, I say that it is true that the persons not having appropriate qualification are not entitled to practice ophthalmology nor can they do any refraction or prescribe glasses. However, the ophthalmic assistants posted in Govt. Hospitals have successfully completed two years training course in Govt. Medical College. The Para Medical Ophthalmic Assistants can do dry refraction and prescribe glasses as per their job responsibilities assigned them as per Govt. of India. Hereto annexed and marked as **Exhibit-6** is the copy of letter dated 10/07/2008.

I say that the Photographs annexed in Exhibit-I,J,K,L,M,N,O,P and Q of the petition are of various eye diseases.

I say that the diagnosis of persons suffering from glaucoma, Diabetic retinopathy, Hypertensive Retinopathy is not done by Para

Medical Ophthalmic Assistants but it is done by Ophthalmic Surgeons. However, the Para Medical Ophthalmic Assistants can assist to Ophthalmic Surgeons for eye care services.

I say that for prevention of medical practice by quacks, the Government has already constituted the committee as mentioned in reply para 8 of the Public Interest Litigation."

4. Thus the Directorate of Health Services has taken a stand that persons not having appropriate qualification are not entitled to practice ophthalmology nor they can perform any refraction or prescribe glasses. Copy of the letter dated 10 January 2008 issued by the Government of India has been placed on record.

5. In view of the clarification in paragraph 6 of the Affidavit-in-Reply, nothing would survive to be adjudicated in the PIL Petition, which is accordingly disposed of.

6. In view of the disposal of the PIL Petition, nothing would survive in the Civil Application and the same is also disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

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