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

PUBLIC INTEREST LITIGATION NO.72 OF 2024

Dr. Pravin Limbaji Rathod ... Petitioner
V/s.
 The State of Maharashtra, through
 Principal Secretary, Medical Education
 & Drugs Department & Ors. ... Respondents

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Mr. Akshay Shinde for the petitioner.

Dr. Birendra Saraf, Advocate General with Mrs. Neha S. Bhide, G.P., Mr. O.A. Chandurkar, Additional G.P. and Mrs. G.R. Raghuwanshi, AGP for respondent No.1-State.

Mr. Manish Kelkar for respondent Nos.2 and 3.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : JANUARY 10, 2025

P.C.:

1. Learned Advocate General has tendered schedule of election for the Council, according to which, the election process shall commence on receipt of nomination papers on 18 February 2025 and votes shall be counted on 4 April 2025. The said election program contained in letter dated 2 January 2025 is taken on record and exhibited as 'X' for identification.

2. Apart from raising concern about not holding the elections to the Council, another grievance raised in this PIL petition is that the person appointed as Administrator of the

Council is a private doctor and as such he may not be in a position to discharge the statutory functions efficiently in comparison to the Administrator who is a government servant.

3. The issue as to whether appointment of Administrator in the instant case is referable to Section 31(1) or 31(2) of the Maharashtra Medical Council Act, 1965 has also been raised for our consideration.

4. In the aforesaid view of the matter, let a detailed paragraph-wise reply to the averments made in the PIL petition be filed by the respondents within three weeks. A week's thereafter may be available to the petitioner to file rejoinder-affidavit, if any.

5. Stand over to **7 February 2025**.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)