



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

WRIT PETITION NO.10000 OF 2025

Dr. Islahuzzama Salahuddin Ansari ..Petitioner
vs.
State of Maharashtra and ors. ..Respondents

Ms. Manjula Rao, Senior Advocate a/w Mr. Kunal Rane,
Mr. Amol Surve, Mr. Nitin Wadkar, Mr. Aniketh Poojari,
Ms. Aradhana Latne i/b. Legal Links, for the Petitioner.

Mr. N. C. Walimbe, Addl.G.P. a/w Mr. S. P. Kamble, AGP, for
Respondent Nos.1 and 2-State.

Adv. Sachindra B. Shetye a/w Adv. Akshay S. Pansare, for
Respondent Nos.3 and 4.

Adv. Mandar Goswami a/w Adv. Siddhant Choudhary, for
Respondent Nos.5 and 6.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 4th AUGUST, 2025

ORAL ORDER (PER M. S. KARNIK, J.) :

1. Heard learned counsel for the parties.
2. The Petitioner completed his MBBS course in the year 2016. The Petitioner sought admission on the basis of the caste validity certificate as belonging to the Scheduled Tribe community. By a communication dated 20th November 2023, the Caste Scrutiny Committee informed the

Directorate of Medical Education and Research ("DMER", for short) that on scrutinising the records it was realised that the records of the caste validity certificate were not found and that such a certificate was not issued by the Caste Scrutiny Committee.

3. Learned Senior Advocate submitted that it is the last year of the Petitioner's post graduation course. It is submitted that the Petitioner is a brilliant student. It is submitted that some of the relatives of the Petitioner belongs to the Other Backward Class (OBC).

4. Thus, now a claim is set up that the Petitioner belongs to the OBC. The caste validity certificate of the Petitioner or any of his relative as belonging to the OBC is not placed on record.

5. Learned Senior Advocate for the Petitioner submitted that the caste claim of the Petitioner that he belongs to OBC is now referred to the Caste Scrutiny Committee. Learned Senior Advocate submits that the relatives of the Petitioner have been issued a caste certificate as belonging to OBC. However, no certificate is

placed on record that the caste claim as belonging to the OBC has been validated by the Caste Scrutiny Committee. The communication dated 19th January 2024 issued by the DMER to the Maharashtra Medical Council informing that the Petitioner secured admission to the MBBS course on the basis of a fraudulent caste validity certificate as belonging to the Scheduled Tribe thereby calling upon the Maharashtra Medical Council by cancelling the registration certificate and for appropriate action to that end was passed without hearing the Petitioner.

6. In the facts and circumstances of the present case, we are not inclined to permit the Petitioner to appear for the final year at this juncture. The decision by the DMER directing the Maharashtra Medical Council to cancel the registration was without hearing the Petitioner and in breach of the principles of natural justice. In the circumstances of the present case, we are inclined to set aside the communication dated 19th January 2024. The Petitioner shall remain present before the DMER on 13th August 2025 at 11:00 a.m. After hearing the Petitioner and

giving him an opportunity an appropriate decision be taken regarding the cancellation of the registration.

7. Learned Senior Advocate relied upon the decision of High Court of Tripura Agartala in **The State of Tripura and others vs. Sri Sukanta Bhuiya and another** in W.A. No.236 of 2019. However, in our opinion, the said decision was rendered in the peculiar facts of that case and may not be of assistance to the present Petitioner. The Appellants therein had completed the courses and a belated action was taken to cancel the certificate.

8. In the present case after completion of the MBBS course in the year 2016 the Petitioner practiced medicine and even according to learned Senior Advocate, the Petitioner attended the Covid-19 patients. Consequently, the order dated 22nd November 2024 of the Maharashtra Medical Council is also set aside.

9. The Maharashtra University of Health Sciences (MUHS), Nashik by the order dated 25th September 2023 at page 73 of the paper-book has cancelled the MBBS degree. The reason is that the Petitioner did not avail of the

opportunity of hearing. Learned Senior Advocate submitted that the Petitioner did not receive the copies of the show cause notices. The Petitioner prays for an opportunity to represent his case. We are inclined to grant one opportunity to the Petitioner subject to the Petitioner co-operating with the MUHS, Nashik, as the Petitioner was practicing medicine from the year 2016 up to 2023 before the action for cancellation of his degree and registration was taken. Accordingly, the order dated 25th September 2023 is quashed and set aside. The Petitioner to appear before the MUHS, Nashik on 19th August 2025 at 11:00 a.m.

10. The Respondents are requested to hear the Petitioner and take a decision thereon as expeditiously as possible and in any case within a period of four weeks from the date fixed for appearance of the Petitioner. This will be construed as sufficient notice to the Petitioner.

11. On the basis of the order passed by the DMER, the MUHS, Nashik and the Maharashtra Medical Council shall pass consequential orders within a period of two weeks.

12. The Writ Petition is disposed of.

13. Liberty to apply at a later stage if any adverse orders are passed.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)