



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5493/2021

Dr. Mahesh s/o Ratilal Shah .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. J. Mirza, Advocate for petitioner.

Ms K. P. Marpakwar, A.G.P. for respondent Nos. 1 and 2.

CORAM : ANIL L. PANSARE, J.

DATE : APRIL 16, 2025

Heard.

2. On 23.12.2021, notices were issued in following terms.

"Heard Shri Mirza, learned counsel for the petitioner.

2. The grievance in this petition is that before passing the impugned order dated 27.08.2021 (page 42), the petitioner was neither served nor heard and the impugned order directing refund of money charged by the petitioner for Covid-19 treatment of the respondent, to the tune of Rs.67,400/- (Rupees Sixty Seven thousand Four Hundred only) was directed to be refunded.

3. Issue notice to the respondents, returnable within four weeks.

4. There shall be interim stay to the impugned order.

5. Shri S.A. Ashirgade, the learned AGP waives service of notice for respondent nos. 1 and 2."

3. In response to the notice, respondent No.2 has filed reply stating therein that Inquiry Committee had visited the petitioner's hospital and recorded statements of respondent No. 3- complainant as well as the petitioner. Respondent No.2 has, thereafter, denied that the petitioner was not given opportunity of hearing by the Inquiry Committee or respondent No.2. Surprisingly, respondent No.2 has not put forth any evidence to show that the petitioner was

served with notice of the proceeding or opportunity of hearing was extended to him.

4. It is well settled principle that no one should be condemned unheard. That being so, the order impugned is hit by non adherence to the principle of natural justice.

5. The writ petition is accordingly partly allowed. The impugned orders dated 27.08.2021 and 27.10.2021, passed by respondent No.2 are quashed and set aside. The inquiry is remitted back to respondent No.2 for consideration afresh. The petitioner shall appear before respondent No.2 on 07.05.2025 and thereafter as and when directed by respondent No.2. The inquiry shall be completed within four weeks from 07.05.2025.

6. The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)