

JVS.

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

***SUO MOTO* WRIT PETITION (ST) NO. 22713 OF 2026**

High Court on Its Own Motion	}	Petitioner
Versus		
1. Indian Medical Association (IMA)	}	
	}	
2. Maharashtra Association of Resident Doctors (MARD)	}	
	}	
3. The State of Maharashtra	}	Respondents

Mr. Vineet B. Naik, Senior Advocate, *Amicus Curiae*, with Mr. Amogh Singh.

Mr. S. U. Kamdar, Senior Advocate with Mr. Chirag Kamdar and Mr. Yashesh Kamdar i/b. Nahush Shah Legal for Indian Medical Association, Maharashtra.

Dr. Milind Sathe, Advocate General with Ms. Neha S. Bhide, Mr. B. V. Samant, Additional Government Pleader and Ms. Pooja Patil, AGP for State.

Dr. Sujay Kantawala with Mr. Ashray Dave, Mr. Hritika Shroff, Adv. Aayu Saxena, Mr. Aayush Modi and Mr. Siddhant Trivedi for Association of Fellow Gynecologists.

Mr. Pralhad Paranjape with Ms. Shweta More and Mr. Manish Kelkar for Maharashtra Homeopathy Council.

Mr. S. C. Naidu with Mr. Manoj Gujar, Mr. T. R. Yadav, Ms. Divya Yajurvedi, Mr. Pradeep Kumar for Homeopathic Integrated Medical Practitioners' Association.

Mr. Atharva Shinde, President of Maharashtra Association of Resident Doctors present.

CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.

DATE : 6th AUGUST, 2026

P.C.:

1. At 11:00 a.m., we had passed the following order: -

1. We have before us a compilation of newspaper clippings publishing news items with regard to the call for strike by the Indian Medical Association. The compilation of these clippings have been segregated date-wise, i.e., 4th August, 2026, 5th August, 2026 and 6th August, 2026. The compilation dated 4th August, 2026 is marked as 'X', the compilation dated 5th August, 2026 is marked as 'X-1' and the compilation dated 6th August, 2026 is marked as 'X-2', for identification.

2. We requested the learned Advocate General, Dr. Sathe and the learned Government Pleader, Ms. Bhide to be present in the Court Hall. Both of them have graciously remained present.

3. Dr. Sathe has drawn our attention to several orders passed in various matters, including PIL Petitions by this Court. The first compilation is marked as 'X-3'. A copy of an interim order dated 17th September, 2025 passed in Writ Petition No. 7847 of 2014, filed by the Indian Medical Association vs. State of Maharashtra and Ors. and group of matters, is marked as 'X-4', for identification. Dr. Sathe has referred to an order passed by the Hon'ble Supreme Court (three Judges Bench) dated 11th November, 2014 in Writ Petition (Civil) No. 253 of 2012 preferred by People for Better Treatment (PBT) vs. Secretary, Indian Medical Association (IMA) and Ors. The same is marked as 'X-5', for identification.

4. Dr. Sathe places on record an Appeal letter dated 5th August, 2026 made by Mr. Dheeraj Kumar, Secretary, Medical Education and Drugs Department, which is addressed to Dr. Atharva Shinde, the President, Maharashtra Association of Resident Doctors (MARD), which is marked as 'X-6', for identification. He tenders a copy of another

Appeal letter of the even date by the same Officer addressed to Dr. Santosh Kulkarni, the President, Indian Medical Association, Maharashtra State, which is marked as 'X-7', for identification.

5. *In an order dated 21st March, 2017 passed in Public Interest Litigation No. 77 of 2015, which is a part of the compilation X-3, the Chief Justice's Bench of this Court had recorded that 50 patients had died due to mass strike of resident doctors numbering 4500 all over the State of Maharashtra. Therefore, effective directions were issued in the said order prohibiting further continuation of the strike and a direction to all the members of the Doctors' Association that none should disobey the order of the Court and if the strike continues, the respective managements would be at liberty to initiate suitable action against such doctors besides initiation of contempt. Since the directions of the Court were obeyed, the PIL was disposed off by an order dated 9th January, 2018.*

6. *In view of the above, we direct the Registry to register a Suo Moto Writ Petition based on X, X-1 and X-2 compilations of newspaper clippings, which contain news reports published by all the major Marathi and English newspapers published from Mumbai.*

7. *We are issuing notice to the Indian Medical Association, Maharashtra State, through its President, the Maharashtra Association of Resident Doctors, through its President and the State Medical Education Department, through its Secretary.*

8. *The learned Advocate General and the learned Government Pleader accept notice on behalf of the State Department.*

9. *List this Petition at 1.00 p.m. today.*

10. *We request the office of the learned Government Pleader to serve notices to the Indian Medical Association and the Maharashtra Association of Resident Doctors.*

2. At 1:00 p.m., when this matter was called out, we requested the learned Senior Advocate, Mr. Vineet Naik, to act as *Amicus Curiae* in this matter and to be assisted by Mr. Amogh Singh, the learned Advocate. Mr. Naik has graciously accepted to be an *Amicus Curiae*. Mr. Amogh Singh informs us that he would render assistance to the learned Senior Advocate.

3. The learned Senior Advocate, Mr. Kamdar, along with Mr. Chirag Kamdar and Mr. Yashesh Kamdar have appeared for the Indian Medical Association (IMA). Dr. Atharva Shinde, who is the President of Maharashtra Association of Resident Doctors (MARD), has appeared in-person. He states that he hardly had any time between 11:00 a.m. to 1:00 p.m. to engage an Advocate. He submits that he would engage an Advocate, who would cause an appearance in this matter.

4. The learned Senior Advocate, Mr. Kamdar has canvassed a host of reasons, but with a clear expression that the said grounds or issues are not to justify a strike. He submits, on instructions, that the IMA would withdraw the strike forthwith as they are not interested in striking the work. Their grievance is as regards the followup action taken in pursuance of several orders passed by the Court and a recent Government Resolution dated 03rd August, 2026, which has been floated by the Government of Maharashtra,

through the Medical Education and Drugs Department of constituting a Committee for the purpose of formulation of an SOP. The terms of reference of the Committee are also set out in the said Government Resolution.

5. Dr. Shinde, who is the President of MARD, submitted that this is an Association of 50,000 resident doctors, who are working in Government Hospitals in the State of Maharashtra. They have not resorted to a strike and they have not stopped emergency services. He submits that though 50000 members of the MARD are protesting against registration of Homeopathy doctors in the manner in which it has been done by the State Government, they assure that they will not stop treating any patient in view of their dedication to the health of the people of Maharashtra.

6. We are informed that Writ Petition No. 7847 of 2014, is already part-heard before the Hon'ble Bench (Coram: R. I Chagla and Farhan P. Dubash, JJ.). The said Bench had earlier considered extensive submissions of all the parties at an interim stage and had delivered a reasoned lengthy order on 17th September, 2025. We are further informed that the Petitioner in the said Petition, which is the IMA, has already completed its oral submissions. The learned Advocate General, on behalf of the State, has commenced the submissions and two dates have been allotted to the State to conclude their oral submissions on 13th and 14th August, 2026.

7. Since a coordinate Bench with the Roster assignment is dealing with the said Petition and, according to the learned Senior Advocate/the learned Advocate General, the Court has proceeded to a large extent and hearing would be concluded shortly. Therefore, we would not be entering into any of the issues that have been taken up by the learned Senior Advocate, Mr. Kamdar as well as Dr. Shinde, who would now be engaging an Advocate. We are restricting this *Suo Moto* Writ Petition only to the aspect of whether the practicing doctors/medical practitioners can resort to a strike.

8. The learned Senior Advocate Mr. Naik submits that he would prepare a proper Petition setting out the grounds and tender a memo of the Petition within a period of 15 days from today. He is assisted by Mr. Amogh Singh, who assures that such a Petition would be filed with the Registry in and around 15 days' time and if the learned *Amicus Curiae* finds himself short of time, considering his busy schedule, Mr. Singh will request the Court for extension of time. Let such a Petition be filed and copies be supplied to the learned Advocate General, the learned Government Pleader and the office of the Mr. Kamdar, the learned Senior Advocate, etc.

9. We are recording the statement made on behalf of the IMA and the MARD that the IMA has called off the strike immediately and the MARD would not be resorting to the strike. We appreciate the maturity shown by these two organizations. We would expect their participation in the present *Suo Moto* Writ Petition for considering the issue in the light of the order of the Hon'ble Supreme Court in Writ Petition (Civil) No. 253 of 2012 (People for Better Treatment (PBT) vs. Secretary, Indian Medical Association (IMA) and Ors.).

10. Needless to state, the State would ensure that the Government Resolution dated 3rd August, 2026 is followed in letter and spirit and let the parties enter into discussions so as to frame the SOP.

11. The respondents in this *Suo Moto* Writ Petition have been mentioned in the cause title of this order. We leave it to the learned Senior Advocate, Mr. Naik (*Amicus Curiae*) to consider whether any more parties are required to be added as respondents and accordingly assist the Court.

12. Tentatively, we are listing this Petition on **8th September, 2026** in the 'Urgent Supplementary Board'.

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT VISHWANATH
SALUNKE
Date: 2026.08.06
19:50:06 +0530

[GAUTAM A. ANKHAD, J.]

[ACTING CHIEF JUSTICE]