

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1280 OF 2022

Annasaheb Chudaman Patil
Memorial Medical College
Through its Secretary
Sou. Mamta Shailendra Patil

.. Petitioner

Versus

Medical Assessment and Ratings
Board (MARB)
Through its President and others

.. Respondents

Mr. V. D. Hon, Senior Advocate a/w Mr. Nidesh Gupta, Senior Advocate
i/by Mr. A. D. Sonkawade, Advocate a/w Mr. Ashwin V. Hon, Advocate
for the Petitioner.

Mr. S. K. Kadam, Advocate for Respondent Nos. 1 and 2.

Mr. A. G. Talhar, ASG for Respondent No. 3.

Mr. M. D. Narwadkar, Advocate for Respondent No. 4.

CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.

DATED : 25th JANUARY, 2022.

PER COURT:-

. We have heard Mr. Hon and Mr. Gupta, learned senior counsel
for the petitioner.

2. The petitioner - institution was granted permission to admit 150
students. Under the impugned communication the same stands
withdrawn.

3. The petitioner - institution was initially permitted to admit 100 students. Subsequently, for the academic year 2021-2022 the petitioner was granted permission to admit 50 more students (total 150 students). Upon complaint, surprise inspection was made on 14.01.2022. Upon surprise visit, deficiencies were found and the order is passed withdrawing the letter of permission for increase of 50 MBBS students for the academic year 2021-2022. Further, the petitioner college is not recommended for admission of 100 MBBS students for the academic year 2021-2022.

4. The impugned order suggests some facts which may be detrimental to the petitioner.

5. The gravamen of the contentions of the learned senior counsel for the petitioner is that, the inspection was without notice to the petitioner. No opportunity was given before withdrawing permission for admitting the students. Principles of natural justice are violated. Earlier, inspection was made and everything was found in order and now again pursuant to the surprise inspection, a contrary report has been submitted.

6. According to Mr. Kadam, learned counsel for respondent Nos. 1 and 2 the petitioner has remedy of appeal before the Commission. The

learned counsel further submits that the Commission is entitled to conduct surprise visit as per the provisions of the National Medical Commission Act, 2019.

7. Mr. Talhar, learned counsel appears for respondent No. 3.

8. During the course of arguments, it was suggested by the Court that the directions can be given for re-inspection as it is stated that under the day inspection was made, it was holiday and/or the petitioner may avail remedy of appeal.

9. Mr. Gupta, the learned senior counsel for the petitioner suggests that the petitioner would go with the option of having a fresh inspection.

10. In the light of that, we pass the following order.

11. The respondent Nos. 1 and 2 shall conduct the inspection preferably by 30.01.2022 and based on the inspection may take a fresh decision with regard to the permission to admit the students. The said decision shall be taken preferably by 03.02.2022 as it is submitted that the last date for admission would be by 07.02.2022.

12. While passing the fresh order the impugned order would not be

an impediment, nor the respondents shall be guided by the same. The fresh decision shall be taken on the basis of the fresh inspection made and the report received.

13. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.