



(5)-PIL-28-05.doc.

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

**PUBLIC INTEREST LITIGATION NO.28 OF 2005
WITH
CIVIL APPLICATION NO.8 OF 2007
WITH
CIVIL APPLICATION NO.2 OF 2008**

Dr. Pratap Sitaram Patil and others ..Petitioners
Versus
State of Maharashtra and others ..Respondents

**WITH
CIVIL APPLICATION NO.50 OF 2008
IN
PUBLIC INTEREST LITIGATION NO.28 OF 2005**

Dr. Shekhar V. Nerurkar and others ..Applicants
AND
Dr. Pratap Sitaram Patil and others ..Petitioners
Versus
State of Maharashtra and others ..Respondents

Mr. S. S. Patwardhan, Advocate for the Petitioners.

Mr. Rahul Nerlekar, Advocate for the Applicants in CAI No.50 of 2008.

Mr. M. M. Pabale, AGP for Respondent Nos.1, 5 & 6.

Mr. Rohan Surve I/by Mr. Madhav Jamdar, Advocate for Respondent No.4.

Mr. Ritesh Ratnam I/by Ganesh K. Gole, Advocate for Respondent No.3 – MCI.

(5)-PIL-28-05.doc.

Mr. Siddhesh Pilankar I/by Mr. Uday Warunjikar, Advocate for Respondent No.8.

**CORAM : PRADEEP NANDRAJOG, C.J. &
NITIN JAMDAR, J.**

DATE : 9th AUGUST, 2019

P.C.

1] Though the three captioned Civil Applications seeking impleadment are listed before us today, having heard learned counsel for the parties and having perused the averments in the Public Interest Litigation, we propose to dispose of the Public Interest Litigation itself for the reason challenge in the Public Interest Litigation is to orders passed by the State Government in the State of Maharashtra prohibiting paramedics from issuing pathology reports and to take action against them.

2] The issue has been settled by a decision of the Gujarat High Court on 17.09.2010 in SCA No.17485 of 2006 and the order passed by the Supreme Court on 12.12.2017 in SLP(C) No.28529 of 2010 as per which the opinion of the Medical Council of India that Laboratory Reports can be countersigned only by a medical practitioner having post graduate qualification in pathology was found to be correct.

3] Thus, nothing survives for adjudication either in the



(5) -PIL-28-05.doc.

Public Interest Litigation or the Civil Applications in view of the afore-noted decision of the Gujarat High Court and the decision of the Supreme Court.

4] The Public Interest Petition as well as Civil Applications are disposed of.

NITIN JAMDAR, J

CHIEF JUSTICE