

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

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**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO. 8965 OF 2026****WITH****INTERIM APPLICATION NO.9580 OF 2026****IN****WRIT PETITION (L) NO.8965 OF 2026**

Dr. Govind Narharirao Phad .... Petitioner.

V/s

The State of Maharashtra  
through the Secretary,  
Medial Education and Drugs Department ....Respondent.

**WITH****WRIT PETITION (L) NO.9496 OF 2026**

Bhavesh Dinanath Shelke ....Petitioner.

V/s

The State of Maharashtra and Others ....Respondents.

Mr. Anandmaya Dhorde, advocate for the petitioners.

Mr. Vishal Thadani Addl. G.P. for the respondent nos. 1, 2 and 3 in  
Writ Petition (L) No.8965 of 2026.

Ms. Jyoti Chawan, Addl. G.P. for the respondent nos. 1, 2 and 3 in  
Writ Petition (L) No.9456 of 2026.

**CORAM : SHREE CHANDRASHEKHAR, CJ &  
GAUTAM A. ANKHAD, J.**

**DATE : 7<sup>TH</sup> APRIL 2026**

**P.C. :**

Dr Govind Narharirao Phad and Dr. Bhavesh Dinanath Shelke, along with other petitioners claim that they have completed their MBBS and Post Graduate Degrees and are now medical practitioners. The petitioners by way of the present writ petition are

seeking almost similar reliefs and for the sake of convenience the prayers in Writ Petition (L) No.9496 of 2026 are extracted below :

Prayers in Writ Petition (L) No.9496 of 2026:

*“[A] Call for record and proceedings of the case;*

*[B] Hold and declare that the Petitioners stands released from the Government Service Bond conditions in view of the failure of the Respondents to allot posting within the period of one month from the date of declaration of results and for that purpose issue necessary orders;*

*[C] Issue a writ of Mandamus or any other appropriate writ, order or direction, thereby directing the Respondents to discharge the Petitioners from the Government Service Bond executed at the time of admission to the Superspeciality course and for that purpose issue necessary orders;*

*[D] Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to return all original documents submitted by the Petitioners at the time of admission and for that purpose issue necessary orders;*

*[E] Quash and set aside the Notice dated 12.03.2026 issued by Respondent No.2 Commissioner, Directorate of Medical Education and Research, Mumbai regarding Online Application and Online Allotment of Government Bond Service to Super-Speciality Degree Holders (Winter-2025 Batch), and for that purpose issue necessary orders;*

*[F] Pending the hearing and final disposal of the present Petition, grant stay to the operation, execution and/or implementation of the Notice dated 12.03.2026 issued by Respondent No.2 Commissioner, Directorate of Medical Education and Research, Mumbai regarding Online Application and Online Allotment of Government Bond Service to Super-Speciality Degree Holders (Winter-2025 Batch), and for that purpose issue necessary orders;*

*[G] Pending the hearing and final disposal of the present Petition, restrain the Respondents from proceeding with the allotment process of Government Bond Service to Superspeciality degree holders and for that purpose issue necessary orders;*

*[H] Pending the hearing and final disposal of the present Petition, direct the Respondents to forthwith return the original documents of the Petitioners submitted at the time of admission and for that purpose issue necessary orders;*

*I) Grant ad-interim relief in terms of Prayer Clause 'F', 'G' & H;*

*J) Pass such other and further order as this Hon'ble Court;"*

2. The petitioners state that they were admitted to Superspeciality Medical Course for the period 2022-2025. As per the Resolution dated 12<sup>th</sup> October 2017 read with other Government Resolutions they were required to execute government service bond in favour of the State of Maharashtra. It is the case of the petitioners that the result for Superspeciality examination was declared on 20<sup>th</sup> January 2026, and the respondents were required to allot them the posts within one month. The petitioners contend that according to the judgment rendered by this Court in "*Dr. Vinod Shankarlal Sharma and 61 others v. State of Maharashtra and another*" 2012 SCC OnLine Bom 1689 they stand discharged from the liability of executing the bond, as the process of allotment of posts could not be completed within one month. The petitioners have provided details of other doctors also who are awaiting allotment of hospital. The respondents challenge the maintainability of this writ petition by contending that it is not possible to conduct another process if one process is going on. Further, it is also submitted by the respondents that the petitioner no.1 has got a Superspecialty bond at Lokmanya Tilak Municipal Medical College, Sion, Mumbai and the petitioner no.2 has got a Superspeciality bond at Seth G.S. Municipal Medical College, Parel, Mumbai for completing bond service. The contentions put forth by the respondents are reproduced below:

*“3. I say and submit that the result of the Super Specialty examination was declared by Maharashtra University of Health Sciences, Nashik on 20.01.2026. Also, the list of students who passed the Super Specialty Courses was received by Respondent No. 2 from Maharashtra University of Health Sciences, Nashik on 02.02.2026. Since there is only one online system for the bonded service, it is not possible to do another process if one process is going on. Since the results of the postgraduate MD/MS courses were published on 13.01.2026 which was before the declaration of results of Super Specialty examination, the online distribution process of the bond service of the students who passed the postgraduate MD/MS courses was implemented by the respondent No. 2 from 16.02.2026 to 10.03.2026 through notices dated 12.02.2026 and 23.02.2026 respectively after the approval of SOP for the bond allotment process vide letter dated 11.02.2026 was received from Respondent No. 1.”*

3. Mr. Anandmay Dhorde, the learned counsel for the petitioners submits that the direction issued by this Court in *“Dr. Vinod Shankarlal Sharma”* submits that the State Government must complete the exercise of allotment well in time and not beyond the period of one month in any event, failing which the doctors like the petitioners shall be discharged of their bond conditions. In paragraph no.20 of the judgment in *“Dr. Vinod Shankarlal Sharma”*, this Court issued the following directions:

*“20. In consequence, we dispose of the Petition in terms of the following directions:*

*(i) We uphold the constitutional validity of the requirement imposed by the State Government as incorporated in the bonds executed by the doctors pursuing super-specialized medical courses to the effect that they shall be required to render one year service, after the completion of their degrees, in Government or Municipal run medical colleges on in the*

*Defence services;*

*(ii) We direct that the posts to which the doctors, under bond, would be allotted must be commensurate with the qualifications of the super-specialized doctors. The posts in which the doctors are required to discharge their service under bond must be posts for which the qualifications for recruitment stipulate the holding of a D.M. or M.Ch. degree. The posts of Registrar and Senior Resident, which are meant for students who are undergoing the relevant degree course, shall not be allotted to super-specialized students who have successfully completed their D.M. or M.Ch. degree courses;*

*(iii) The State Government shall, within a period of two weeks from today, in terms of the statement made before the Court, consider whether the vacant posts of Registrar and Senior Resident should be converted to those of Assistant Professors or, as the case may be, Super-Specialized Medical Officers in order to enable allotments to be made to super-specialized doctors who have to fulfill the conditions of their bonds;*

*(iv) On the request of the Government Pleader, we also clarify that since the Court is informed that 16 posts of Super-speciality Medical Officers are vacant respectively in the Super-speciality Hospitals at Nashik, Amravati and Pimpri - Chinchwad, it would be open to the State Government to make an allotment to these vacant posts in accordance with the procedure which has been prescribed by the relevant Government Resolution. This exercise shall now be completed within a period of three weeks from the receipt of an authenticated copy of this order. The doctors to whom an allotment has not been made by the State Government in the period stipulated shall be discharged from their bonds and their papers shall be returned by the Deans or, as the case may be, Competent Authorities concerned;*

*(v) We direct that hereafter, the State Government will complete the exercise of allotment well in time and that in any event, the procedure for completing the allotment of doctors to the concerned posts would be completed within a period of one month of the declaration of the results, failing which, the doctors shall be discharged of their bond conditions; and*

*(vi) All allotments shall be merit based.”*

4. The decision rendered in Clause (v) of paragraph no. 20 in “*Dr. Vinod Shankarlal Sharma*” must remain confined to the doctors who were the petitioners before this Court. Such a direction is not a direction *in rem* which could have been or must be followed in every subsequent cases. This needs to be remembered that the validity of

requirements imposed by the State Government in the bond to be executed by the doctors pursuing Superspeciality Medical Courses has been upheld in that case; the result of Superspeciality Course was published in September 2012 and validity of conditions of service bond was challenged by successful doctors who had completed Superspeciality Course in M.Ch degree. It was on account of ensuing delay that directions as under Clause (v) of paragraph no.20 were issued by this Court.

5. In view of the above, Writ Petition (L) Nos. 8965 of 2026 and 9496 of 2026 are dismissed. Consequently, Interim Application (L) No.9580 of 2026 in Writ Petition (L) No. 8965 of 2026 does not survive and the same stands disposed of.

**[GAUTAM A. ANKHAD, J.]**

**[CHIEF JUSTICE]**