

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2301 OF 2018**

Dr. Naresh Kabra s/o. Ramlal Kabra
and ors.

... Petitioners.

V/s.

The State of Maharashtra and ors.

... Respondents.

Mr. Charanjeet Chandrapal for the Petitioner.

Mr. Manish Upadhyay, AGP for Respondent Nos.1 to 3.

Mr. Rajesh Behre a/w. Ms Sheetal Metakari for Respondent -
MCGM.

**CORAM : AKIL KURESHI &
S.J.KATHAWALLA, JJ.**
DATE : OCTOBER 1, 2019.

P.C.

1] This petition is filed by 14 Doctors of the State of Maharashtra, who at the time of filing of the petition, were undergoing the residencies in municipal hospitals. In this petition, they have highlighted various aspects concerning the residency of Resident Doctors. They point out that the working conditions of Resident Doctors including their working hours need serious attention. According to the petitioners, the condition of Resident Doctors during the period of residency puts enormous mental and physical strain on the Resident Doctors. These conditions need to be properly regulated in

order to protect the Resident Doctors from exploitation and to avoid burnouts on account of excessive workload and insufficient rest. The petitioners had previously approached the Supreme Court directly. They were advised to approach the High Court. That is how, the present petition has been filed.

2] Learned AGP Mr.Manish Upadhyay appeared for respondent Nos.1 to 3, namely, State of Maharashtra and its authorities. Learned Counsel Mr. Rajesh Behre appeared for respondent No.4 - Municipal Corporation of Greater Mumbai. They submitted that the said respondents are not averse to formation of a Committee who would look into the various grievances of the petitioners. In fact, they submitted that all such grievances, at the first instance, should be examined by such a Committee whose recommendations in the form of report can be submitted to the Court. Learned Counsel for the petitioners was also agreeable to formation of such a Committee.

3] After discussion at the bar and in consultation with the learned Counsel for the parties, we constitute a Committee comprising of the following members:

(i) The Secretary of the Ministry of Health, State of Maharashtra, who would also be the Chairman of the Committee;

(ii) Two Senior Doctors who are appointed as Deans of the Medical Colleges of the BMC as may be nominated by the Corporation;

(iii) Two Members of Maharashtra Association of Resident Doctors (the Association for short) as may be nominated by the said Association provided that such nominees should currently be Resident Doctors themselves;

(iv) An Under Secretary of the Ministry of Health, State of Maharashtra, as may be nominated by the Secretary of the said department and who shall be the Secretary of the Committee.

4] Such a Committee may be formed by making nominations as mentioned above by respective parties within

a period of two weeks from today. Upon its formation, the Committee would examine the grievances of the petitioners. It would be open for the petitioners and other Resident Doctors of the State of Maharashtra to place before the said Committee their representations and connected materials. The Committee may also give personal hearing to an authorised representative of the said Association.

5] The Committee would give its report preferably within a period of six months from today. The petition to be notified for further hearing once the report is received

(S. J. KATHAWALLA, J.)

(AKIL KURESHI, J.)