

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.28 OF 2005

Dr.Pratap Sitaram Patil & Ors. .. Petitioners

Vs.

State of Maharashtra & Ors. .. Respondents

Mr.S.S.Patwardhan for the petitioners

Ms.P.S.Cardoz, A.G.P. for respondent nos.1, 5 and 6

Ms.Simran Puri for respondent nos.3

Mr.Madhav Jamdar for respondent nos.4

Mr.R.D.Soni i/b M/s. Ram and Co. for respondent
nos.7

Mr.M.A.Kazi for the intervenor

**CORAM : J.N.PATEL &
A.A.SAYED, JJ.**

DATED : 10TH OCTOBER, 2007

P.C.:

1. Additional affidavit on behalf of
respondent MC1 in response to the additional
affidavit filed on behalf of respondent nos. 1 and
5 is taken on record.

2. Heard.

3. Rule.

4. On going through the affidavit in reply filed by respondent no.3 and 4, this court is prima facie satisfied that the holder of DMLT (Diploma Lab Technique) is not entitled to practice in pathology and makes them eligible and qualifies for being employed as technicians in a Pathologist's Laboratory. Therefore, there will be an interim order in terms of prayer clause (c) and (d) to be read in this context and if persons holding DMLT or other equivalent qualification are running a pathological laboratory, they should appoint a qualified pathologist as recognised by the Maharashtra Medical Council and Medical Council of India to certify their reports for want of which they cannot be permitted to practice as such.

5. Pendency of this petition does not prevent the respondent i.e. the association of DLMT holders to approach the Maharashtra Medical Council and Medical Council of India and make a

representation to include them as qualified practitioners.

6. Ms.P.S.Cardoz, A.G.P. waives service for respondent nos.1, 5 and 6, Ms.Simran Puri waives service for respondent nos.3 Mr.Madhav Jamdar waives service for respondent nos.4 Mr.R.D.Soni i/b M/s. Ram and Co. waives service for respondent nos.7 On the respondents filing their return on affidavit, the petition be listed for hearing expeditiously.

(J.N. PATEL, J)

(A.A. SAYED, J)