



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 19 OF 2021

Smita Sarode Singalkar

.Vs.

The Maharashtra University of Health Sciences and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Smita Sarode Singalkar, petitioner.

Mrs. Renuka Sirpurkar, Advocate for the petitioner.

Mr. D.P. Thakare, AGP for respondent Nos.2 and 3/State.

Mr. Abhijit Deshpande, Advocate for respondent No.1.

Mr. Rahul M. Bhangade, Advocate for respondent No.4.

CORAM : NITIN W. SAMBRE AND

MRS. VRUSHALI V. JOSHI, JJ.

DATE : 26.03.2025

1. Under the Medical Legal Care for survivors/ victims of sexual violence the Ministry of Health and Family Welfare, Government of India, respondent herein, has prescribed the protocol on 18th March, 2013. Under the directions to modify the curriculum prescribed for the subject of anatomy for the students of second year M.B.B.S., same stood modified.

2. The orders passed by this Court, which are brought to our notice, are being complied with by the respondents, and we appreciate the steps taken by the respondents. We are informed that the respondent No.1-University has already changed the curriculum of second year MBBS anatomy subject and the Health Ministry i.e. respondent No.3, has issued certain guidelines on 18.08.2022 thereby directing incorporation/modification of the curriculum. The recommendations of the National Medical

Commission in the matter of modification in the competency-based medical curriculum issued on 18.08.2022 contemplates modified curriculum as under:-

“FM3.18 Describe legitimacy and its medicolegal importance. Describe and discuss how ‘signs’ of virginity (so called ‘virginity test’, including finger tests on female genitalia) are unscientific, inhuman and discriminatory.

Describe and discuss how to appraise the courts about unscientific basis of these tests if court orders it.”

3. It is the case of the petitioner that respondent No.1, so also the State Government, are required to respond to the aforesaid directions issued by the National Medical Commission in the matter of the curriculum being adopted for the MBBS students.

4. Apart from the above, our attention is also invited to the authoritative pronouncement in the judgment of ***State of Jharkhand vs. Shailendra Kumar Rai*** reported in ***2022 SCC OnLine SC 1494***, particularly paragraph No.70 which read thus:-

“70. We direct the Union Government as well as the State Governments to:

a. Ensure that the guidelines formulated by the Ministry of Health and Family Welfare are

circulated to all government and private hospitals;

b. Conduct workshops for health providers to communicate the appropriate procedure to be adopted while examining survivors of sexual assault and rape; and

c. Review the curriculum in medical schools with a view to ensuring that the “two-finger test” or per vaginum examination is not prescribed as one of the procedures to be adopted while examining survivors of sexual assault and rape.”

5. As such, it is claimed that not only the State Government but also respondent No.1 must respond to the steps taken for complying the aforesaid directions of the Supreme Court.

6. Mr. Abhijit Deshpande, learned counsel appearing for respondent No.1 so also Mr. D.P. Thakare, learned Additional Government Pleader submits that the response shall be placed on record within a period of two weeks.

7. As such, we defer the hearing of present petition to 09.04.2025.

(MRS. VRUSHALI V. JOSHI, J)

(NITIN W. SAMBRE, J.)

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