

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (C) No. 957 of 2017**

- Niraj Bhusakhare S/o Shri P. S. Bhusakhare, Aged About 28 Years R/o Plot No. 14, Anushtha Residency, Junwani, Bhilai, District Durg (Chhattisgarh)

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Health & Family Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Director, Directorate Of Health Services, Raipur (Chhattisgarh)
3. The Director, Directorate Of Medical Education, Raipur, Chhattisgarh
4. The Mission Director, National Rural Health Mission, Raipur (Chhattisgarh)
5. The Chief Health & Medical Officer, Balod, District Balod (Chhattisgarh).
6. The Collector, Balod, District Balod (Chhattisgarh).
7. The Medical Council Of India, Through Its Secretary, New Delhi.
8. The Block Medical Officer, Doundilohara, District Balod (Chhattisgarh)

---- **Respondents**

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|-----------------------|-------------------------------------------------------|
| For Petitioner        | : Shri Raghvendra Pradhan, Advocate                   |
| For State/Respondents | : Shri Prafull N. Bharat, Additional Advocate General |
| For Respondent No.7   | : Ms. Anubhuti Marhas, Advocate                       |

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**Hon'ble Thottathil B. Radhakrishnan, Chief Justice**  
**Hon'ble Shri Justice P. Sam Koshy**

**Judgment on Board**

**Per Thottathil B. Radhakrishnan, Chief Justice**

**16.05.2017**

1. The petitioner is an aspirant for admission to the Post Graduate Medical Courses in the State of Chhattisgarh.
2. We have heard the learned counsel for the Petitioner and the learned Additional Advocate General.

3. Annexure-P/1 was issued on 23.05.2013, whereby Pinkapar is not declared as a most difficult area. The Petitioner applied for being considered in the NEET-PG 2017 examination. He wants a direction that he, who is working in the Primary Health Centre, Pinkapar, be treated as one working in a most difficult area and therefore, be considered for grant of bonus marks due to persons working in most difficult area for admission to the Post Graduate Medical Courses.
4. The Petitioner points out that report from a competent authority was obtained and that contemplates the contents of Annexure-P/1, however that, no decision has been taken by declaring Pinkapar as a most difficult area. There may be substance in what the Petitioner says in this regard, if one were to enter on judicial review on the strength of further materials. But, the matter relating to consideration of a particular area as a most difficult area; that too for the purpose of granting bonus marks for admission to the Post Graduate Medical Course; is essentially a matter within the executive domain. It is for the Government to consider any factual report and if such report is acceptable, it would be open to the Government to take a decision in that matter. We are of the view that there can be no judicial review through writ jurisdiction as to whether inclusion of Pinkapar in Annexure-P/1 without it being described as a most difficult area is impermissible since mixed questions of facts and law arise for decision.
5. More importantly, since the NEET-PG 2017 examinations have already been concluded and the counselling to the State quota has also concluded, the situation as of present cannot be disturbed without impairing the right of any other person who may have been granted the benefit of being a person who is working in a most difficult area or even

by depriving a person who has been identified for admission in the State open merit quota.

6. In the aforesaid view of the matter, we refuse to grant the relief as sought for by the writ Petitioner. However, this writ petition is ordered directing that if any report of the concerned authority is relevant in the matter to decide as to whether the Primary Health Centre, Pinkapar is to be treated as one in a most difficult area, that matter may be considered by the Government if such issue is relevant for the years to come.
7. The writ petition is ordered accordingly.

Sd/-  
**(Thottathil B. Radhakrishnan)**  
**Chief Justice**

Sd/-  
**(P. Sam Koshy)**  
**Judge**