

CWP No.8353 of 2017

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.8353 of 2017
Date of decision:24.04.2017**

Dr. Seema Verma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sunil K. Nehra, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The question involved in this petition is as to “whether an in-service HCMS doctor, who has not performed any rural service having been exempted therefor, is entitled to 30% weightage for admission in the Post Graduate Course?

In short, the petitioner is a MBBS doctor who had joined the State of Haryana as a Medical Officer on 21.06.2010. She was posted in the General Hospital, Rohtak as a Medical Officer and has been working there since the date of her joining. It is averred in the petition that only for a month, she was sent on deputation to Rewari and, thereafter, she returned back on the same post in the General Hospital, Rohtak. The petitioner is stated to have the Diploma in Anesthesia. She claimed exemption of rural service, which was granted to her. The petitioner has now applied for 30% weightage for admission in the Post Graduate Course, which is available to the in-service HCMS doctors only who have served in rural areas. The petitioner has

claimed that in view of a decision of the Supreme Court in the case of **State of U.P. & Ors. vs. Dr. Dinesh Singh Chauhan**, 2016(4) S.C.T. 517, reservation to in-service doctors on account of their residence has been declined but it has been ordered that they can be given 30% weightage for having served in the rural areas. A matter also came up before this Court in the case of CWP No.7594 of 2017, titled as “**Jashanpreet vs. State of Haryana and others**,” which was decided on 18.04.2017 in terms of the orders passed by the Supreme Court in **Dr. Dinesh Singh Chauhan's case (supra)**.

Counsel for the petitioner has submitted that the petitioner had never refused to serve in rural areas but her rural service was exempted on account of having obtained a Diploma in Anesthesia and, thus, she is entitled for 30% weightage.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that the petitioner cannot take two benefits, firstly exemption from performing rural service and secondly 30% weightage, which is available only to the in-service doctors who have served in rural areas.

Consequently, I do not find any merit in the present petition and hence, the same is hereby dismissed.

April 24, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No