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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1390 of 2020****Order Reserved on 15.07.2020****Order delivered on 22.07.2020**

1. Dr. Hitesh Jaiswal S/o L.N. Jaiswal, Aged About 35 Years R/o Community Health Center, Loing, Block Raigarh, District Raigarh (CG)
2. Dr. Aditya Sinha S/o. K.L. Sinha, Aged About 33 Years C H C Campus, Magarlod, District Dhamtari (CG)
3. Dr. Rashmi Abha Minj, D/o Peter Minj, Aged About 35 Years Community Health Center, Kumhari District Durg (CG)

---- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (CG).
2. The Director Health Services, Indravati Bhawan, Capital Complex, New Raipur, District Raipur (CG)
3. The Medical Council Of India, Through Its Chairman, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi.

---- Respondents

For Petitioners	:	Mr. Manoj Paranjpe, Advocate
For Respondent No.1 & 2	:	Mr. Sudeep Agrawal, Dy. Advocate General
For Respondent No.3	:	Mr. Ranbir Singh Marhas, Advocate

Hon'ble Shri P.R. Ramachandra Menon, CJ
Hon'ble Shri Parth Prateem Sahu, J

C A V Order**Per Parth Prateem Sahu, J**

1. Petitioners, who all are MBBS Doctors working as 'Medical Officer' in different government

hospitals/health centers situated in the State of Chhattisgarh, have filed this writ petition feeling aggrieved by action on the part of respondents in not granting benefit of weightage of marks to them as 'incentive' for the services rendered by them in rural areas.

2. Grievance of the petitioners is that they are posted and working as 'in-service doctor' in different parts of the rural & scheduled areas of the State of Chhattisgarh. The Medical Council of India (hereinafter referred to as 'MCI') in exercise of its power under Section 33 of the Medical Council of India Act, 1956 (henceforth 'the Act of 1956') has issued the regulation known as 'Post Graduate Medical Education Regulations, 2000' (henceforth 'the Regulations of 2000'), which provides for award of bonus marks to in-service doctors who have served in remote and/or difficult areas or rural areas, at the rate of 10% for each year of service, upto maximum of 30%, of the marks obtained in the National Eligibility - cum- Entrance Examination, 2020 (hereinafter referred to as "NEET Exam"). However, the said benefit of bonus of marks as incentive on the basis of their completed years of service in rural area has not been extended to them

for the purpose of determining their merit in NEET Exam for admission into Post Graduate Medical Courses, which made them to approach this Court by filing this petition praying for following reliefs:-

- “1. To issue an appropriate writ or order and declare that the action on the part of the respondents by not providing bonus marks to the in service candidates working in rural areas in post graduate medical examination is bad in law and the CRMC guidelines issued by the State government in the year 2020 Annex.P/8, so far as it relates to non award of bonus mark to the petitioners who are in-service candidate and working in the rural areas be declared as illegal, unconstitutional and contrary to Regulation 9 of the MCI.
- 2.To issue an appropriate writ or order and direct the respondents to define rural areas in the Chhattisgarh Post Graduation Entrance Rules, 2018 and further direct to provide 10% bonus marks per year to the in service candidates working in rural areas in light of the directions Issued by the Hon'ble Court in W.P. (C) No.1029/2019 & W.P. (C) No.691/2020. The respondent authorities may kindly be directed to award the bonus mark to the petitioner and thereafter permit the petitioners to take part in the counseling.
3. To provide bonus marks to the in service candidates/petitioner who has been appointed under the Chhattisgarh Rural Medical Corps Scheme for the admission in post graduate medical courses in Medical Colleges in the State of Chhattisgarh.
4. Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case, may also be allowed and if the honble court feels that on the action on the part of the respondent is violative of the order dated 09.06.2020 passed in W.P.(C) No.691/2020, the honble court may kindly be take the suitable action against the

erring respondents who have willfully disobeyed the order of the Hon'ble Court.”

3. The petitioners have pleaded in their petition that they are working as in-service doctors in different government hospitals situated in the rural areas of the State of Chhattisgarh. They appeared in the National Eligibility cum Entrance Exam, 2020 (NEET) conducted for admission to post-graduate medical courses and obtained more than cut-off marks prescribed. By amending the Regulations of 2000, an amendment has been made in sub-rule (4) of Regulation 9 on 5.4.2018 and the words “rural area” has been added along with ‘remote and/or difficult areas’ for providing incentive upto 10% of the marks obtained for each year of service in rural area, maximum upto 30%, of the marks obtained in the NEET Exam. The State Government has framed the Chhattisgarh Post Graduate Entrance Rules, 2018 (henceforth ‘the Rules of 2018’), but the areas under the Chhattisgarh Rural Medical Corps Scheme (for short ‘CRMS’) identified by the State Government as ‘difficult’ & ‘most difficult’ have been identified and there is no mention about the ‘rural areas’. Under Appendix-3 of the Rules of 2018 the Districts have been shown identifying them and their areas to be ‘most difficult scheduled area’ or ‘general scheduled

area', which was based on the Circular / Notification issued by the General Administration Department. Appendix -3 was challenged by some in-service doctors before the High Court by filing a writ petition, which came to be allowed and the State was directed to undertake *de novo* exercise for identification and categorization of the 'remote and/or difficult areas' in the State for the purpose of grant of bonus/incentive marks for admission in post graduate courses in medical colleges of the State. Instead of complying with the order passed by the High Court, the State Government has issued Notification dated 7.3.2020 applicable for admission in Post Graduate Medical Courses on the basis of earlier rules which were declared arbitrary and unconstitutional by the High Court. The Circular/ Notification issued after passing of the order by the High Court in an earlier writ petition, making part of Appendix-3 of the Rules, 2018, mentions only 'difficult scheduled areas' & 'general scheduled areas' and there is no mention about 'rural areas'. The Notification dated 7.3.2020 issued for identification of areas is without application of mind. No bonus marks are awarded to the petitioners considering their entire service period in rural areas.

4. The State Government filed its reply to writ petition mentioning therein that the claim of petitioners is not correct that they have not been awarded bonus marks as per guidelines/notification dated 7.3.2020. Petitioner No.2-Dr. Aditya Sinha has been awarded bonus marks of 60.96% marks in consonance with the Circular / Notification dated 7.3.2020. As petitioner No.1 & 3 have not worked in any government hospitals/ health centers located in the areas identified as 'difficult, most difficult or inaccessible areas, they have not been awarded bonus marks. This petition has been filed with inordinate delay only on 29.6.2020 seeking one of the reliefs of declaration of CRMS Guidelines dated 7.3.2020, so far as it excludes 'rural areas' for award of bonus marks, to be illegal, unconstitutional and contrary to Regulation 9 (4) of the Regulations of 2000. Regulation 9 (4) of the Regulations of 2000 is an enabling provision granting liberty to the State Government to provide for weightage of marks to the in-service candidates who have served in remote and difficult areas of the State. The State has exercised its liberty and identified the areas. The grounds urged by the petitioners in writ petition for seeking reliefs, as prayed for in the Relief Clause of writ petition, are unsustainable and untenable in the eyes

of law and in view of the law laid down in the matters of **State of Punjab & anr vs. Rajesh Kumar** reported in **(2017) 14 SCC 655** and **State of Haryana Vs. Narendra Soni** reported in **(2017) 14 SCC 642**.

5. Mr. Paranjpe, learned counsel representing the petitioners submits that in-service doctors, who are working with the government or public authority, are entitled to get benefit of weightage of marks by the State Government or Competent Authority as incentive upto 10% of the marks obtained for each year of their service in remote and/or difficult areas or rural areas, upto maximum of 30% of the marks in terms of Regulation 9 (4) of the Regulation of 2000. The State Government of Chhattisgarh has framed the Rules of 2018 governing admission to PG Medical Colleges and as per Rule 6 (1) of the Rules of 2018, 50% of the seats will be reserved for in-service doctors which also mentions the areas which are to be considered for eligibility of doctors for the benefit under Rule 6 (1) of the Rules of 2018. Rule 7 (6) mentions about the mentioning of areas in Appendix-3, which was challenged before the High Court by filing a writ petition bearing WPC No.1029/2019 and the High Court has held Appendix-3, referable to the Rules of 2018, to be arbitrary and

violative of Article 14 of the Constitution of India and declared it to be inoperative in law. The CRMC had issued guidelines on 7.3.2020 (Annexure P-8) for declaring the areas within the State of Chhattisgarh where district hospitals, community health centers, primary health centers and sub-health centers are located and categorizing them as 'difficult, most difficult, inaccessible and normal'. Accordingly, a list has been prepared but there was no consideration and mention of 'rural areas' as per Regulation 9 (4) of the Regulations of 2000 wherein specifically words 'rural area' have been mentioned. It is contended that prior to amendment brought under the Regulations of 2000 vide Gazette Notification dated 5.4.2018, under Regulation 9 (4) the words 'rural areas' were not there, but only by way of amendment it has been inserted by the Medical Council of India in exercise of its powers under Section 33 of the Act of 1956. The State Government has not issued Circular / Notification of classification of the areas under the CRMS in accordance with proviso to Regulation 9 (4) of the Regulations of 2000. The petitioners entered into service with intent that they will be getting some benefit while working with the State Government in the areas which are situated far from urban areas and they have discharged their duties

with best of their ability but they have not been given incentive marks for their work as per Regulation 9 (4) of the Regulation of 2000. Referring to Regulation 7 (ख) (4) of the Rules of 2018, he submits that *inter se* merit of in-service candidates working in rural/scheduled/high priority areas by providing bonus marks to those candidates but the Notification dated 7.3.2020 nowhere prescribes bonus marks for in-service candidates working in the rural areas, which do not pass the test of intelligible differentia.

Referring to the definition of 'rural area' provided under Rule 2 (o) of the Mahatma Gandhi Rural Employment Guarantee Act (MNREGA), learned counsel submits that the said definition has to be considered for classifying and identifying areas as per the Regulation of 2000 for awarding bonus marks under Rule 7 (ख) (6). In support of his contention, learned counsel has relied upon the decision of Hon'ble Supreme Court in the case of **State of Uttar Pradesh & ors vs. Dinesh Chouhan** reported in **(2016) 9 SCC 749** and **Narendra Soni's case (supra)**

6. Per contra, Mr. Agrawal, learned Deputy Advocate General for the State submits that the State Government after the verdict of this Court in WPC

No.1029/2019 had issued Notification Dated 7.3.2020 showing areas wherein i.e. district hospitals, community health centers, primary health centers & sub-health centers are located has been classified as difficult, most difficult, inaccessible and normal. This classification has been made by the Department of Health & Family Welfare as CRMC after due consideration of the purpose. Respondent –State in pursuance of the order passed in WPC No.914/2018 and other connected matters, has redone the exercise of entire counseling and all the candidates have been awarded new experience certificate as per Notification dated 7.3.2020 and on that basis the bonus marks have been awarded to the eligible candidates / in-service doctors. He also contended that one of the petitioners, who had worked within the area classified under Notification dated 7.3.2020, has been awarded bonus marks and other petitioners who have not worked within the area identified and classified were not awarded bonus marks. Regulation 9 (4) of the Regulations of 2000 is only an enabling provision made by the MCI under the Regulations of 2000 and discretion has been vested with the State Government to award bonus marks to the areas identified and classified by it. He submits that it is for the State Government to identify and

classify the areas for awarding bonus marks to in-service doctors keeping in mind the purpose so that the interest of the government servant can be created for rendering their services in those areas where there is shortage of medical facilities due to the topographical reason of that area. He also points out that from the wording used under proviso to Regulation 9 (4) of the Regulations of 2000, it is clear that it is enabling provision as the word used in the provision for awarding incentive marks is "may". Regulation 9 (4) enables the State for awarding of bonus marks to the in-service candidates for the services rendered by them in the government hospitals situated in the identified areas by the State. The State in exercise of the jurisdiction under Regulation 9 (4) has identified and classified the areas. Petitioners have already participated in the counseling without challenging Notification Dated 7.3.2020 and after becoming unsuccessful in the counseling process they have now filed this petition only on 29.6.2020. Even second round of counselling was already completed on 10.7.2020. He submits that the petition is misconceived. He referred to the pleadings made in the petition with regard to the service rendered by the petitioners in Para No.32, 33 & 34 to say that the areas for which bonus marks

were not awarded do not fall within the areas identified and classified by the State.

7. We have heard learned counsel for the parties and perused the record.
8. After going through the pleadings made in the writ petition as well as submissions made by learned counsel for the petitioner, it is apparent that main grievance of the petitioners is with regard to denial of bonus marks as incentive to the in-service doctors who are working in rural areas in addition to the marks obtained by them in the NEET Exam under Rule 7 (ख) (6) in terms of Regulation 9 (4) of the Regulations of 2000.
9. To appreciate the rival submissions made by learned counsel for both sides, it would be beneficial to extract Regulation 9 (4) of the Regulations of 2000;-

“(4)The reservation of seats in Medical Colleges/institutions for respective categories shall be as per applicable laws prevailing in States/Union Territories. An all India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to Postgraduate Courses from the said merit lists only.

Provided that in determining the merit of candidates who are in service of government/public authority, weightage in the marks may be given by the Government/Competent Authority as an incentive upto 10% of the marks obtained for each year of service in remote and/or difficult areas or Rural areas upto maximum of 30% of the marks obtained in National Eligibility-cum Entrance Test. The remote

and/or difficult areas or Rural areas shall be as notified by State Government/Competent authority from time to time.”

10. From perusal of the language used in proviso to Regulation 9 (4) of the Regulations of 2000 issued by the MCI, it is apparent that it is an enabling provision, granting liberty to the State to exercise its powers to classify and identify the areas for awarding incentive bonus marks to the in-service doctors working or worked in those areas. The State Government vide Notification dated 7.3.2020 has classified and identified the areas where district hospitals, primary health centres, community health centres and sub-health centres are situated under the headings 'difficult, most difficult & inaccessible' for awarding bonus marks as incentive and accordingly, incentive/ bonus marks were awarded. Awarding of bonus marks as per Notification dated 7.3.2020 is not disputed by learned counsel for the petitioners. Bonus marks were awarded to the candidates who worked in three locations, except the areas shown as 'normal'.
11. Grievance of the petitioners is that 'rural areas' have not been included in the Notification Dated 7.3.2020. When any provision under the law is in the form of enabling provision then it is for the concerned government / authority to extend benefit or not or

even as to how and in what manner and to whom the benefits under the provision to be given to candidates. Under the provision which has been made in the form of enabling provision, no person/candidate, in the case at hand in-service doctors, has any inherent right to seek for bonus marks for their service in areas which are not identified or classified by the State Government for awarding incentive or bonus marks. Learned Counsel referring to decision of Hon'ble Supreme Court in the matter of Dinesh Chouhan (supra) has argued that the State has no authority to enact any law on the subject of admission to post-graduate medical courses as it is governed by the Central Legislation and the Regulations framed thereunder. There cannot be dispute on the submission made by learned counsel for parties based on the decision in Dinesh Chouhan's case (supra) with regard to authority to enact any law governing the field of admission to post-graduate medical courses, but as we have discussed in the preceding paragraphs that the proviso to Regulation 9 (4) of the Regulations of 2000, based on which the petitioners have claimed relief of award of bonus marks to in-services doctors serving in rural areas, has not been made mandatory under the Regulations of 2000. It gives enabling

power to the State for exercising its discretion that it may, on the basis of areas where in-services doctors have rendered their services, give bonus marks / incentive marks @ 10% per year, maximum upto 30%, of the marks obtained by them in the NEET Exam for considering their merit in admission to post-graduate medical courses. In this case, the State Government while exercising their powers, as provided under the proviso to Regulation 9 (4) of the Regulations of 2000 have categorized/classified the areas for which bonus / incentive marks can be awarded to in-service doctors who appeared in the NEET Exam for their admission in post graduate medical courses. The words used under proviso to Regulation 9 (4) are “remote and/or difficult areas or rural areas”. Minute perusal of the words used under the proviso would show that along with the word “remote”, the words “and/or” have been used with difficult area, but for rural areas the word ‘or’ has been used and not ‘and’. Thus, under the provision itself there is distinction between remote and/or difficult areas with rural areas.

12. When any provision is mentioned in any statute, rules or regulation enabling the State Government to exercise its discretion, as in this case, then it is for

the government to identify the areas for which bonus marks can be awarded and the Court cannot issue any direction or writ of mandamus in exercise of its jurisdiction under Article 226 of the Constitution of India. Hon'ble Supreme Court in the matter of Chairman & Managing Director, Central Bank of India & others Vs. Central Bank of India Scheduled Castes & Scheduled Tribes Employees Welfare Association reported in (2015) 12 SCC 308, while considering the provisions of Article 16 (4-A) of the Constitution of India has held thus:-

“26. In the first instance, we make it clear that there is no dispute about the constitutional position envisaged in Articles 15 and 16, insofar as these provisions empower the State to take affirmative action in favour of SC/ST category persons by making reservations for them in the employment in the Union or the State (or for that matter, public sector/authorities which are treated as State under [Article 12](#) of the Constitution). The laudable objective underlying these provisions is also to be kept in mind while undertaking any exercise pertaining to the issues touching upon the reservation of such SC/ST employees. Further, such a reservation can not only be made at the entry level but is permissible in the matters of promotions as well. At the same time, it is also to be borne in mind that Clauses 4 and 4A of [Article 16](#) of the Constitution are only the enabling provisions which permit the State to make provision for reservation of these category of persons. Insofar as making of provisions for reservation in matters of promotion to any class or classes of post is concerned, such a provision can be made in favour of SC/ST category employees if, in the opinion of the State, they are not adequately represented in services under the State. Thus, no doubt, power lies with the State to make a provision, but, at the same time, courts cannot issue any mandamus to the State to necessarily make such a provision. It is for the

State to act, in a given situation, and to take such an affirmative action. Of course, whenever there exists such a provision for reservation in the matters of recruitment or the promotion, it would bestow an enforceable right in favour of persons belonging to SC/ST category and on failure on the part of any authority to reserve the posts, while making selections/promotions, the beneficiaries of these provisions can approach the Court to get their rights enforced. What is to be highlighted is that existence of provision for reservation in the matter of selection or promotion, as the case may be, is the sine qua non for seeking mandamus as it is only when such a provision is made by the State, a right shall accrue in favour of SC/ST candidates and not otherwise.”

In the case at hand, the State Government has invoked the provisions under Regulation 9 (4) of the Regulations of 2000 and identified and classified the areas for which bonus marks are to be awarded.

13. So far as submission of learned counsel for petitioner that under the proviso to Regulation 9 (4) of the Regulations of 2000 the word ‘rural area’ is also inclusive with the word ‘remote’ and ‘difficult areas’, is concerned, the MCI while issuing the Regulation of 2000 has consciously used the word “or” before the ‘rural area’ and from the language of the provisions of Regulation 9 (4), it is clear that the word ‘or’ is disjunctive and the word ‘or’ cannot be read as ‘and’.

14. In the decision rendered in Narendra Soni (supra) itself, which was relied upon by learned counsel for the parties and relevant portion of which was quoted in the writ petition, it is mentioned that identification and criteria will vary from State to State. Meaning

thereby, the MCI in the Regulation of 2000 has left open for the States to consider the areas to be identified by them for which the additional bonus marks is to be awarded to the in-service doctors who appeared in the NEET Exam, but those areas can be the areas as per the proviso to Regulation 9 (4) of the Regulations of 2000.

15. We find force in the submission of the learned State Counsel that apart from the city or town areas, if in the areas identified under the Notification dated 7.3.2020, the rural area is also included then the very purpose of awarding bonus marks would be frustrated. The area, which is out of town area, limits of Municipal Corporation or Municipality, falls under rural area. Even the area falling under rural area is having all sorts of facilities like continuous electricity supply, telephone, mobile connectivity, Internet facility, transportation and good roads, which may not be there in the areas identified by the State and therefore they are known as difficult, most difficult and not accessible areas. Services rendered by the doctors to the population residing in such areas without bothering about the facilities which are not available to the identified or classified areas may hamper their preparation of their competitive exam

i.e NEET, for advance studies and this may be one of the other reasons for awarding bonus incentive marks. It is to attract the graduate MBBS doctors to join and serve as Medical Officer with the State Government. The rural areas, which are in the areas which are difficult, most difficult and inaccessible, cannot be placed at the same level with normal rural areas.

16. Hon'ble Supreme Court in the case of Narendra Soni (supra) in very specific terms has held that the provisions of Regulation 9 (4) is not a compulsion and held thus:-

“15. The conduct of the State in issuance of the Notification dated 5-5-2017 based on no data, formulation of the same in a day, implementation before publication in the Gazette, after publication of NEET, reflects inadequate preparation by the State, acting more in the nature of a knee jerk reaction to situations. It does not meet the approval of the Court. The proviso to Regulation 9 (IV) is not a compulsion but an enabling provision vesting discretion in the State. Any discretionary power has to be exercised fairly, reasonably and for the purpose for which the power has been conferred. The observations of the High Court meet our approval.

17. In the peculiar facts and circumstances of the case, the State of Haryana, if it wishes to give weightage for admission in post-graduate courses under the proviso to Regulation 9 (IV), it must come out with a fresh notification identifying remote and/or difficult areas as discussed in the present order, within one week from today and to facilitate the same, the last date for admission is extended to 10-6-2017.”

17. In view of the above facts emerging from the pleadings of the respective parties and in the light of law laid down by the Hon'ble Supreme Court in the cases of Narendra Soni (supra) & Central Bank of India (supra), we are of the considered view that no writ of mandamus can be issued, as sought by the petitioners in this petition, as under Regulation 9 (4) of the Regulations of 2000, the discretion is vested with the State Government to identify areas for award of incentive bonus marks to in-service candidates, working in government hospitals in such areas, for admission in PG Medical Courses and in exercise of such discretion, the State Government vide Notification dated 7.3.2020 has already identified the areas and issued notification for the same.

18. Perusal of the list of classification dated 7.3.2020 (Annexure P-8) reveals that the exercise has been done by the Health and Family Welfare Department and the list was issued by the high official of the department. This classification, as it appears, is not limited for the Postgraduate admission only. Learned counsel for the petitioners has only argued that the rural areas have not been included, but not made any submission to say that the areas, which are difficult or most difficult, have escaped from consideration.

As, we have already said that on exercising the enabling provision, if the State has identified and classified some areas for extending benefit of bonus marks to in-service doctors working or worked in those areas, then it cannot be claimed as a matter of right that other rural areas be also included.

19. As far as the reliance placed by learned counsel for the petitioner on the decision of Hon'ble Supreme Court in Dinesh Singh Chouhan's case (supra) is concerned, the same is of no help to the petitioners in the present facts of the case. Hon'ble Supreme Court while considering the reservation of seats and award of weightage of marks or bonus incentive marks, has held thus:-

“44. Dealing with this contention, we find that the setting in which the proviso to Clause IV has been inserted is of some relevance. The State Governments across the country are not in a position to provide health care facilities in remote and difficult areas in the State for want of Doctors.[11] In fact there is a proposal to make one year service for MBBS students to apply for admission to Post Graduate Courses, in remote and difficult areas as compulsory. That is kept on hold, as was stated before the Rajya Sabha. The provision in the form of granting weightage of marks, therefore, was to give incentive to the in-service candidates and to attract more graduates to join as Medical Officers in the State Health Care Sector. The provision was first inserted in 2012. To determine the academic merit of candidates, merely securing high marks in the NEET is not enough. The academic merit of the candidate must also reckon the services rendered for the common or public good. Having served in rural and difficult areas of the State for one year or above, the incumbent having sacrificed his career by rendering services for providing health care facilities in rural areas, deserve incentive marks to be

reckoned for determining merit. Notably, the State Government is posited with the discretion to notify areas in the given State to be remote, tribal or difficult areas. That declaration is made on the basis of decision taken at the highest level; and is applicable for all the beneficial schemes of the State for such areas and not limited to the matter of admissions to Post Graduate Medical Courses. Not even one instance has been brought to our notice to show that some areas which are not remote or difficult areas has been so notified. Suffice it to observe that the mere hypothesis that the State Government may take an improper decision whilst notifying the area as remote and difficult, cannot be the basis to hold that Regulation 9 and in particular proviso to Clause IV is unreasonable. Considering the above, the inescapable conclusion is that the procedure evolved in Regulation 9 in general and the proviso to Clause (IV) in particular is just, proper and reasonable and also fulfill the test of Article 14 of the Constitution, being in larger public interest.”

20. If the facts of present case are considered in the light of decision in Dinesh Singh Chouhan's case (supra), it is clear that in this case also, it was not the stand of the petitioner that the list was made by incompetent authority or made for other purpose than the purpose of medical services. It is also not a case that in the list some difficult, most difficult or inaccessible areas are escaped consideration.

21. For the foregoing discussions, we do not find any tenable ground calling for interference. The petition being devoid of substance is liable to be dismissed and it is hereby dismissed. No order as to costs.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge