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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10235 OF 2022

**CHETAN ASHOKRAO GANGANE
VERSUS
UNION OF INDIA, THR. ITS DEPARTMENT OF HEALTH
SCIENCE, NEW DELHI AND OTHERS**

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Mr Y. V. Kakde, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd October, 2022

PER COURT:

1. The petitioner has put forth prayer clauses 'B', 'C' and 'D',
which read as under :-

“B) The Hon’ble High Court may be pleased to issue writ of mandamus or any other appropriate writ, order or directions in like nature, thereby direct the respondent no. 3 to add the marks of the petitioner on the basis of service given by the petitioner in difficult and triable area as per Govt. Resolution dated 19/03/2019 and accordingly the respondent no. 5 add the name of the petitioner in the provisional merit list dated 30/09/2022 of in-service candidate at appropriate rank as per the marks and for that purpose issue necessary writ, order or direction;

C) The Hon’ble High Court may be pleased to issue writ of mandamus or any other appropriate writ, order or directions in the like nature, thereby direct the respondent

(2)

authority to consider the name of the petitioner from in-service candidate within 20 % quota as per the Govt. Resolution dated 26/09/2022 and for that purpose issue necessary writ, order or direction;

D) The Hon'ble High Court may be pleased to issue writ of mandamus or any other appropriate writ, order or directions in like nature, thereby direct the respondent authority to grant the permission to break the bond by depositing the amount to the authority thereby consider the name of the petitioner as in-service candidate for P.G Course (M.D./M.S./Diploma) Course for Entrance Merit List as merit available subject on available rank and for that purpose issue necessary writ, order or direction;"

2. The petitioner's name is already entered in the provisional merit list of the in-service candidates. The petitioner has been in-service as a 'Medical Service Officer' since 29/10/2014. On 14/02/2019, the Deputy Director of Health, Akola Circle, permitted the petitioner to file an application for the Post Graduate Diploma Course in Medical Radiology and Electrolgy. The Commissioner of Health issued an order of deputation to the petitioner, dated 23/08/2019, allowing him to pursue the Diploma course. In November 2021, the petitioner completed the Diploma. It is stated that, subsequently, the said Diploma course has been de-recognized.

(3)

3. The petitioner, therefore, has prayed for considering his candidature for the Post Graduate Course as an in-service candidate. His application dated 26/09/2022, addressed to respondent No.3 can be decided in the backdrop of the above submissions as well as the prayers put forth at Clause (D).

4. As we are informed by the learned A.G.P. that, the first selection list would be published by today evening upto 8.00 p.m. (03/10/2022), and since this order is being dictated at 4.40 p.m., we direct respondent No.3 to consider the application of the petitioner, dated 26/09/2022, on its own merits and pass an appropriate order.

5. The learned A.G.P. submits that, such a decision would be taken today itself, before the first merit list is published at 8.00 p.m.

6. In the light of the above, this petition is disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)