

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5793 OF 2022

Dr. Sandeep s/o Devrao Wadhave,
aged about 38 years, occupation :
Medical Officer, Rural Hospital,
Malegaon, Tahsil Malegaon,
District Washim, Maharashtra.

... Petitioner

- Versus -

- 1) National Board for Examination
in Medical Sciences, through its
Joint Director (Medical), Mahatma
Gandhi Road, (Ring Road), Ansari
Road, New Delhi – 110029.
- 2) The Directorate of Health Services,
Arogya Bhawan, St. George's Hospital
Compound, P.D. Mello Road, Mumbai-
400001.
- 3) Commissioner, Health Services,
MD NHM, 8th Floor, Arogya Bhawan,
St. George's Hospital Compound,
P.D. Mello Road, Mumbai – 400001.
- 4) Deputy Director of Health Services,
New Radhakishan Plots, Akola-444001.
- 5) The Civil Surgeon, District Civil
Hospital, Civil Lines, Washim,
District Washim-444505.

... Respondents

Shri P.P. Deshmukh, Advocate for petitioner.

Shri K.L. Dharmadhikari, Assistant Government Pleader for
respondent nos.2 to 5.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : OCTOBER 03, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Rule. Rule is made returnable forthwith. Heard finally with the consent of Shri Deshmukh, learned Counsel for the petitioner, and Shri Dharmadhikari, learned Assistant Government Pleader for the respondent nos.2 to 5.

2) We find that the petitioner had submitted his application seeking grant of permission to appear at the NEET (PG) examination well in time, but his application was forwarded to the Deputy Director of Health Services, i.e. respondent no.4 by his Primary Health Centre belatedly. In such a case, no fault could be found with the petitioner and, therefore, it is necessary that the case of the petitioner is considered sympathetically and favourably by the respondent nos.2 and 3 by granting ex post facto permission to the petitioner.

3) We accordingly direct the respondent nos.2 and 3 to grant ex post facto permission to the petitioner to appear at the

NEET (PG) examination from the category of “in-service Medical Officers” within two weeks from today. We further direct the respondents to process the result of the petitioner in accordance with law on the basis of the ex post facto permission to be granted to the petitioner by the respondent nos.2 and 3.

4) The petition is disposed of in the above terms. Rule accordingly. No costs.

JUDGE

JUDGE

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