

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL WRIT PETITION NO. 6740 OF 2022

Dr. Sameer Sadashiv Bansode,
Age: 39 years, Occ.: Taluka Health
Officer,
R/o : A-15, Pranhita Building, DH
Complex, Gadchiroli, Dist. Gadchiroli ... Petitioner

// VERSUS //

1. The State of Maharashtra,
Through its Dy. Director of Health
Services, Nagpur.
2. Director of Health Services, Mumbai
3. The Director,
Department of Medical Education and
Research, Mumbai.
4. State Common Entrance Test Cell,
8th Floor, New Extension Building, AK ... Respondents
Nayak Marg, Fort, CSMT, Mumbai-
400001.

Shri Vikram S. Undre with Shri Ramraje D. Kawade, Advocates for
Petitioner.

Ms Kalyani Deshpande, A.G.P. for the Respondents.

CORAM : URMILA JOSHI-PHALKE &
M.W. CHANDWANI, J.J.

DATED : 28/10/2022

ORAL JUDGMENT: (PER URMILA JOSHI-PHALKE, J.)

1. Heard.
2. **RULE.** Rule returnable forthwith. Heard finally by consent of the parties.
3. By filing this petition, the petitioner is seeking direction to the respondent Nos.2 to 4 to consider the NOC dated 28.10.2022 issued by the Deputy Director of the Health Services, Nagpur for second round of revised provisional "In-Service candidate quota" of NEET-PG-2022 for Maharashtra only for 20% in-service quota dated 28.10.2022.
4. We have considered the submission of the learned counsel for the petitioner and the learned Assistant Government Pleader on behalf of the respondent Nos.1, 2 and 3. Respondent No.4 is also served by the petitioner through Email service. The communication is filed on record which is marked as "A". After Email service, none appeared for respondent No.4/Maharashtra State Common Entrance Test Cell, Mumbai.
5. The application for obtaining NOC was filed on 24.01.2022 addressed by the District Health Officer (DHO), Gadchiroli. The said application was forwarded by the District Health Officer on 02.02.2022

to the Office of the Deputy Director, Health Services, Nagpur. However, respondent No.1 issued NOC on 20.10.2022.

6. The issue is as to whether the petitioner can be held up, as the respondent No.1 has issued NOC at belated stage, and whether he could be deprived of the chance to secure the PG admission in the medical course from “In-Service candidate quota”. The learned counsel for the petitioner relied upon the order passed in Writ Petition No.10703 of 2022 passed by this Court at Aurangabad Bench.

7. An identical issue was raised in the said petition. Admittedly, the petitioner had applied within time on 24.01.2022, the same is forwarded within time i.e. on 02.02.2022. The petitioner has already appeared for the examination and the provisional first merit list is published on 03.10.2022. His name was not enlisted in the said list, due to the non production of NOC by the office of Director of Health Services to the respondent No.4/Maharashtra State Common Entrance Test Cell. Now, the respondent No.4 published the revised schedule of CAP Round -II on 20.10.2022.

8. As per the said revised programme, the second list would be published on 30.10.2022. The learned counsel for the petitioner submitted that for the belated issuance of NOC, the petitioner could not be held liable otherwise he would be eligible to be included in the merit list.

9. Considering the above and in the light of the fact that the similar issue was decided in Writ Petition No.10703 of 2022 by this Court Bench at Aurangabad wherein, the respondents were directed to consider the petitioner in the said writ petition. The present petitioner is similarly situated and therefore, there is no reason to take any contrary view.

10. In view of the fact that the petition deserves to be allowed and it is directed that the petitioner shall be considered from the "In-Service candidate quota" for the second round subject to his score, eligibility, availability of seats and his preferences. Hence, we proceed following order:

ORDER

a) The respondent Nos.2 to 4 are directed to consider the petitioner from the "In-Service candidate

quota” for the second round subject to his score, eligibility, availability of seats and his preferences.

b) The NOC dated 20.10.2022, issued by Deputy Director Health Services, Nagpur shall be considered by the respondent Nos.1 to 4.

c) Respondent Nos.1 to 3 shall provide the name of the petitioner to respondent No.4/ Maharashtra State Common Entrance Test Cell, Mumbai by the end of immediately and forthwith.

The writ petition is **disposed of** in above terms.
Rule accordingly.

Steno copy is granted.

(M.W. CHANDWANI,J.)

(URMILA JOSHI-PHALKE, J.)