

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

WRIT PETITION NO.2923 OF 2023

Anil s/o Babanrao Dhanwat

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Secretary,
Public Health Department
Mantralaya, Mumbai - 32
2. The Commissioner
Health Services, MD NHM,
Arogya Bhavan, 10th floor
Saint George Hospital Road, Fort,
Mumbai 400001
3. The Director,
Directorate of Health Services,
Maharashtra State, Arogya Bhavan
Saint George Hospital Road, Fort,
Mumbai 400001
4. The Deputy Director,
Health Services, Aurangabad – 01
5. The District Health Officer,
Zilla Parishad, Aurangabad
6. State Common Entrance Test Cell,
Government of Maharashtra
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort, Mumbai -01
through its Commissioner

... **RESPONDENTS**

...

Advocate for petitioner : Mr. Vijay A. Dhakne

AGP for Respondent Nos.1 to 4 : Mr. P.S. Patil

Advocate for Respondent No.5 : Mr. S.R. Dheple h/f. Mr. P.R. Nangare

Advocate for respondent No.6 : Mr. Sachin Kuptekhar

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 12.07.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned AGP finally.

2. The petitioner is serving as a Medical Officer in a Civil Dispensary, Ambhai, Tq. Sillod, District Aurangabad for more than three years and is aspiring to get the benefit of in service quota for admission to post graduate medical courses as per the resolution dated 19.03.2019.

2. The learned advocate for the petitioner submits that the State has classified the hospitals/dispensaries, constituted committee and has prepared a list of such difficult centers, the posting in which for a period of more than three years makes the officer entitled to apply under the in service quota to the PG course. He is entitled to even some grace marks in the examinations. He would submit that error has been committed in undertaking such classification. Better places on all parameters have been so declared but not the dispensary where the petitioner has been posted, even though it fits in several parameters prescribed in that Government Resolution dated 19.03.2019. For such error on the part of the authorities the petitioner is made to suffer.

3. The learned AGP points out that by virtue of subsequent Government Resolution dated 26.03.2020 a committee has been constituted to undertake classification and even its revision and it comprises of as many as six members. The committee is expected to take into consideration the report of the Dr. Prakash Doke Committee. Already the petitioner's

grievance is under consideration. It would take some time for the committee to decide the representation since several other factors are to be taken into consideration as prescribed in the Government Resolution dated 19.03.2019.

4. Obviously, this Court in exercise of the powers under Article 226 of the Constitution of India cannot undertake and decide as to if a particular center/dispensary is fit enough to be classified into the categories as difficult or rural or remote. It would be for the committee to objectively consider the petitioner's request and arrive at a decision.

5. Considering the exigencies since the petitioner has not been able to derive the benefit in spite of having put in more than three years at that particular dispensary we dispose of the writ petition by directing the respondent Nos.1 to 4 to take appropriate decision on the petitioner's representation/grievance dated 17.12.2022 already pending before the Committee as expeditiously as possible and in any case within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)