



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

WRIT PETITION NO. 12153 OF 2024

DEEPAK LAXMANRAO ANALDAS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
ITS DESK OFFICER AND OTHERS**

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Advocate for the Petitioner : Mr. Karne Gautam Jaywant

AGP for Respondents: Mr. S.P. Joshi

Advocate for Respondent No.2 : Mr. M.D. Narwadkar

Advocate for Respondent No.5 : Mrs. Yogita Thorat

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 11th NOVEMBER 2024

PER COURT :

1. Heard both sides.
2. The petitioner has impugned a selection letter dated 30.10.2024 allotting him a seat in Shree Ayurved Mahavidyalaya, Nagpur and seeking direction for allotting him upgraded college by granting him the grace marks.
3. The petitioner is in service candidate who was an aspirant for the Post Graduation Course in Ayurved. He participated in the entrance examination – NEET-PG-2024 and secured 184 out of 480 marks. It is the case of the petitioner that he rendered his services in remote, difficult, and rural areas. Hence, he was entitled to grace marks. However, it was denied.

4. He adverts our attention to the Government Resolution dated 19.03.2019, by which he was entitled to grace marks.

5. It was contended that initially NOC was withdrawn and he was required to approach the High Court. By order dated 25.10.2024 passed in Writ Petition No.10599/2024, his writ petition was allowed and NOC was directed to be restored.

6. Learned Counsel for the petitioner submits that the interim order passed on 26.09.2024 in Writ Petition No.10599/2024 was already in his favour by which one seat was directed to be kept vacant for him. He would further submit that after the restoration of NOC, he was entitled to grace marks. He would further contend that the list of the selected candidates would indicate his position at Serial No. 40. Had the grace marks been allotted to him he would have secured a better college. Presently he is being allotted a seat in Shree Ayurved Mahavidyalaya, Nagpur. It is further contended that still there is one post vacant in a Government Ayurvedic College, Nanded and for that purpose, our attention is invited to Exhibit-J. For the grace marks, he is relying on the Government Resolution dated 19.03.2019. The following is the relevant portion from the said Resolution:

२. प्रस्तावनेत नमूद बाबी विचारात घेता राज्याच्या अतिदुर्गम, दुर्गम व ग्रामीण भागातील आरोग्य संस्थेमध्ये सेवा करणाऱ्या वैद्यकीय अधिकाऱ्यांना पदव्युत्तर पदविका अभ्यासक्रमांसाठी चेन्वात येणाऱ्या राष्ट्रीय पात्रता तथा प्रवेश परीक्षा (NEET PG) परीक्षेची अंतिम गुणवत्ता यादी तयार करताना त्या वैद्यकीय अधिकाऱ्यांचे गुणानुक्रम ठरविताना ते ज्या आरोग्य संस्थेमध्ये कार्यरत आहेत, त्या संस्थेच्या प्रकारानुसार त्यांना तसे गुणांकन देण्यासाठी या आराखड्यासोबत जोडलेल्या प्रपत्र A१, A२, A३, B१ व B२ मध्ये नमूद केल्यानुसार सार्वजनिक आरोग्य विभागातील त्या संस्थांना अतिदुर्गम (Remote), दुर्गम (Difficult) व ग्रामीण (Rural) भागातील आरोग्य संस्था म्हणून घोषित करण्यात येत आहे.

7. It has been further argued that in view of the specific provision in the Government Resolution, the places where the petitioner rendered the services are relevant for considering his entitlement to the grace marks. He had made a representation for grace marks on 28.11.2024, However, it was not considered properly.

8. Learned Counsel Mr. Narwadkar appearing for respondent no.2 opposes the submission of the petitioner. He would submit that the petitioner being in service candidate could participate only for the first two rounds. He places on record the written instructions. He would further submit that there is no vacancy available as contended by the petitioner. The second round was over on 18.10.2024. The third round was thereafter over on 06.11.2024. The seat matrix upon which the reliance is placed by the petitioner which is at Exhibit-J is of no avail to the petitioner because that pertains to online stray vacancy round no.1. He would therefore submit that there is no merit in the petition and it is liable to be dismissed.

9. As per the written instructions submitted by learned Counsel for respondent no.2, for in-service candidates, only two rounds are available for Post Graduate Admission. The third round and further stray rounds would not be available for the petitioner. The second round is over on 18.10.2024. Not only that, but the third round is also over on 06.11.2024. Under these circumstances, otherwise, also it is difficult to adjust the petitioner.

10. The admissions of students for the post-graduation courses are

regulated by the brochure published by respondent no.2. The petitioner has pointed out that there is a vacancy in a college at Nanded. However, the vacancy which can be seen at Exhibit-J, is available for online stray vacancy round no.1 for which the petitioner is not eligible.

11. There is no dispute that the petitioner is in service candidate and he has rendered services at different places. He secured 184 out of 480 marks in the entrance examination. He is being allotted a seat in Shree Ayurved Mahavidyalaya at Nagpur. Lastly, when he applied for the NEET-PG examination, he was serving as a Medical Officer at Ardhapur, Dist. Nanded. It was an urban area. He was unable to point out for how much grace marks he is entitled to as per the Government Resolution. Though he made representation on 28.10.2024 seeking grace marks to the extent of 39.56 (21.50 %), it has not been demonstrated on what basis he is claiming the grace marks. Prima facie, we are not convinced that the petitioner is entitled to grace marks.

12. We have gone through the earlier orders passed by the coordinate bench in Writ Petition No.10599/2024. By interim order 26.09.2024, a seat was directed to be kept vacant. Thereafter he succeeded in the petition and the NOC which was under challenge, was quashed and NOC was restored. Because of the interim order, it appears that a seat was reserved and he is being allotted a seat in Shree Ayurved Mahavidyalaya, at Nagpur.

13. Under the above circumstances, we find no merit in the petition.
Hence the writ petition stands dismissed.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..