



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

WRIT PETITION NO. 2581/2025

(ROHIT SUBHASH RAIKWAR **VERSUS** STATE OF MAHARASHTRA & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri K.V. Kothale, counsel for the petitioner.
Ms Kavita Bhondge, Assistant Government Pleader for the respondent-State.

CORAM : NITIN W. SAMBRE AND SACHIN S. DESHMUKH, JJ.

DATE : JULY 14, 2025

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The writ petition is heard finally with the consent of the learned counsel for the parties.

2. This writ petition raises a challenge to the impugned communication dated September 01, 2023 whereby the medical officers serving in 'Aghoshit' hospitals (urban areas) are restricted from participating in the first as well as the second round of counselling under the 'in-service' quota for PG Medical courses. The aforesaid communication is based on Clause 4.6 of the Government Resolution dated July 19, 2023.

3. The factual matrix of the case appears to be that the petitioner, a Group A, Class-II MBBS Medical Officer serving in an 'Aghoshit' hospital is interested in availing 'in-service' reserved quota seat for pursuing post-graduation in Health Sciences course. The said reservation is provided by virtue of the Government Resolution dated September 26, 2022 to the extent of 20% to those who have served at least three years in the designated areas.

4. It is alleged that on July 19, 2023 a revised Government Resolution was published which included the medical officers serving in 'Aghoshit' hospitals to be eligible for availing the 'in-service' quota benefits. However, in Writ Petition No. 10701/2023, decided on August 30, 2023 it was informed by the State Common Entrance Test Cell-respondent no. 2 herein that from the third round the medical officers serving in 'Aghoshit' hospitals would be considered for the 'in-service' quota as per the governing rules and procedure in the light of Clause 4.6 of the Government Resolution dated July 19, 2023. Pursuant to this, the impugned communication dated September 01, 2023 was issued by the respondent no. 1.

5. While questioning the impugned communication, Shri.K.V. Kothale, counsel appearing on behalf of the petitioner would urge that the reliance placed on Clause 4.6 of the Government Resolution dated July 19, 2023 is totally misplaced as it nowhere mentions any such restriction. The false interpretation of Clause 4.6 has led to a discrimination against the medical officers serving in Aghoshit hospitals by creating 'a class within a class' which is impermissible as per Articles 14 and 15 of the Constitution of India. Our attention was also invited to the NEET PG Information Brochure to urge that the same does not state that the Aghoshit category candidates are to be restricted till Round 3 of process from availing 'in-service' quota. Further, he would claim that the medical officers serving in Ghoshit hospitals are by way of an incentive given extra marks of

30% in their NEET PG Score and that the petitioner is only seeking merit-based admission and prays that the respondents be directed to prepare a common merit list of Ghoshit and Aghoshit medical officers after giving incentive marks to the Ghoshit candidates and the petitioner be permitted to participate in the counselling process of 2025-26 in all the rounds from round 1 itself strictly in accordance with the position in the merit list.

6. Ms. Kavita Bhondge, Assistant Government Pleader appearing for the respondent no.1, taking an exception to the aforesaid contentions, would support the impugned communication and state that the same cannot amount to creating an artificial discrimination as it satisfies the test of reasonable classification as provided under Article 14 of the Constitution of India. According to her, the medical officers working in Ghoshit hospitals, given their nature of appointments viz. working in difficult, rural, tribal or Naxalite area, the said classification is reasonable and satisfies the twin test of intelligible differentia so also the object sought to be achieved. Hence, a prayer is made for dismissal of the petition.

7. We have considered the rival submissions.

8. *Vide* Government Resolution dated March 19, 2019, the categorization of the health institutions was carried out and the marks were allotted based on the location of such public hospitals being 'tribal dominated area', 'naxal affected area', hilly area, rural area, etc. and the facilities available at the Headquarter. The said Government Resolution is quite clear in the matter of allocation of

marks having regard to the location of the health institutions such as remote area, difficult area, rural area, etc.

9. Furthermore, a detail procedure is contemplated as regards the procedure to be adopted for admission of the in-service candidates to the Post Graduate admission courses. It further lays down the parameters to be considered in the matter of calculation of length of service, viz. the length of service in remote areas, rural areas, etc.

10. *Vide* Government Resolution dated July 19, 2023, the admission rules notified on March 19, 2019 underwent amendment/correction and Clause 4.6 came to be inserted. Clause 4.6 provides that, of the 20% seats reserved for the in-service candidates, those who have worked in remote, difficult and rural areas for a period of three years shall be granted priority while carrying out admission process. Such candidates like the petitioner who are from the other categories than the one mentioned above and having continuously worked for three years are entitled for admission to the Post-Graduate courses as in-service candidates against the balance seats in the aforesaid quota of 20%. It also provides for further conditions to be satisfied by the candidates in the matter of seeking admission based on their service background, viz. having served in remote, difficult, rural and other categories.

11. This classification, in our opinion, cannot be termed as creating 'a class within the existing class' thereby violating the mandate of Article 14 of the Constitution of India. Rather the object of the said Resolution appears to be to grant priority claim

for Post-Graduate admissions to the in-service candidates who are willing to serve in remote, difficult and rural areas.

12. Perhaps, the reason appears to be that the candidates are not willing to work in the aforesaid areas and always want to serve in urban areas. To motivate the in-service candidates to serve in remote, difficult and rural areas, the aforesaid priority in admissions is offered.

13. In case if the petitioner was intending to have admission at par with the candidates who have served in remote, difficult or rural areas, he should have opted for his posting or transfer to such areas. It appears that those who are serving in urban areas or areas other than remote, difficult or rural areas are also in private practice.

14. In such an eventuality, it cannot be said that the petitioner is treated with discriminatory approach by the respondents by violating his right under Articles 14 and 15 of the Constitution of India.

15. That being so, no case for causing interference is made out. As such, the writ petition fails and stands dismissed. No costs.

(SACHIN S. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)