

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODGING) NO.3864 OF 2025

Dr. Wasim Kasim Patel .. Petitioner

Vs.

The State of Maharashtra,
Through Director of Medical Education
and Drugs and Ors. .. Respondents

Mr. Pandit Kasar, Advocate for the Petitioner.

Ms. Jyoti Chavan, Additional Government Pleader with Ms. Varsha Sawant, Assistant Government Pleader for Respondent Nos.1 to 5.

Mr. Rui Rodrigues, Advocate for Respondent No.6.

Mr. D.V. Karvar, Chief Administrative Officer, with Mr. Prabhakar Aurandhekar, Administrative Officer and Mr. Pravin Bagade, Law Officer, Health Services, Mumbai are present.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 10TH FEBRUARY 2025.

PC. :

1. The petitioner who is serving on the post of 'Medical Officer' seeks admission through "NEET PG 2024" in the "20% In-Service Candidate Quota". It is his case that on 2nd July 2021 he was appointed on the post of 'Medical Officer' at Primary Health Center, Shirur Anantpal, Taluka Shirur Anantpal, Dist. Latur. He was however asked to discharge duties at Mauje Yerol, Taluka Shirur, District Latur wherein such other Primary Health Center was located which is at a distance of about 4 kms. from Shirur Anantpal. On the ground that the petitioner has been discharging duties in the "Undeclared Category", his candidature in the "20% In-Service Candidate Quota" is not being considered.

2. The learned Additional Government Pleader, on instructions, submits that though the petitioner was appointed on 2nd July 2021 and posted at Primary Health Center, Shirur Anantpal, by an earlier Government Resolution dated 28th August 2020 the said Primary Health Center has been closed down. It was thereafter shifted on 28th October 2021 to Mauje Yerol which is at a distance of about 4 kms. from the earlier Primary Health Center. A proposal seeking change of the name of the Primary Health Center was moved on 20th June 2022. Since the Department of Public Health made certain queries on 19th July 2024, the same were duly replied. A reminder was sent thereafter on 26th November 2024. She therefore submits that though the petitioner's appointment has been shown at Primary Health Center, Shirur Anantpal, he has been rendering services on instructions at Mauje Yerol.

3. In view of the aforesaid, prima facie, the petitioner is entitled for the benefit of having rendered service at a Primary Health Center in the "Declared Category". The name of Shirur Ananpal has been mentioned in the list of such Institutes in the Government Resolution dated 19th March 2019 and 1.8 marks are to be awarded to an "In-Service Candidate" for such service.

4. Accordingly, there shall be ad-interim relief in terms of prayer clause (c) of the writ petition until further orders. The petitioner's candidature be considered in the "Declared Category". The same would be subject to outcome of the writ petition.
5. Stand over to 3rd March 2025 for further consideration.
6. Affidavit-in-reply be filed in the meanwhile.
7. Parties to act on authenticated copy of the order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]