

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1275 OF 2024
DISTRICT : SATARA

Dr Shardul Shivraj Kanase)
Working as Medical Officer,)
District Civil Hospital,)
Satara, R/o: 20 Bhairavnath CHS)
Gendamal Nagar, Shahpuri,)
Dist-Satara.)...**Applicant**

Versus

1. The Commissioner,)
Health Services, Mumbai,)
Having office at Arogya Bhavan)
In the Campus of St. Georges)
Hospital, P.D Mello Road,)
Mumbai 400 001.)
2. The State of Maharashtra,)
Through Addl. Chief Secretary)
Public Health Department,)
Office at Dhobi Talao,)
C.S.T Area, G.T Hospital,)
Campus, Fort, Mumbai-1.)
3. The Commissioner and)
& Competent Authority,)
State Common Entrance Test)
Cell, Maharashtra,)
8th floor, New Excelsior Bldg,)
A.K Nayak Marg, Fort,)
Mumbai 400 001.)

4. District Health Hospital,)
Through Civil Surgeon,)
467, Sadar Bazar Camp,)
Guruwar Peth Satara 415 001)
5. Dy. Director of Health Services,)
Pune Division, Pune,)
New Administrative Bldg,)
3rd floor, Room No. 301,)
Opp to Vidhan Bhavan,,)
Pune 411 001.)...**Respondents**

Shri V.P Sangvikar, learned advocate for the Applicant.

Shri A.D Gugale, learned Presenting Officer for the Respondents No 1 & 2.

Shri Sameer Khedekar, learned counsel for Respondent No. 3.

CORAM : Justice Mridula Bhatkar (Chairperson)
Shri A.M Kulkarni (Member) (A)

DATE : 08.01.2025

J U D G M E N T

1. The applicant prays that Respondents be directed to forthwith scrutinize the proposal dated 15.4.2024 submitted by the Deputy Director, Health Services, Pune Circle, Pune to Respondent No. 1 on 30.7.2024 so as to declare Health Institute, namely, District Civil Hospital, Satara to be falling in hilly area.

2. Learned counsel for the applicant pointed out to Clause 4.6 of G.R dated 19.7.2023, which provides for 20% reservation in the quota for NEET PG course, which is made available to Medical

Officers who have worked for 3 years in remote, difficult or rural areas. The said Clause 4.6 reads as under:-

“४.६ वाचा क.१३ येथील दि.१९.०३.२०१९ रोजीच्या शासन निर्णयातील व त्यामध्ये वेळोवेळी करण्यात आलेल्या सुधारणेसह अतिदुर्गत (Remote), दुर्गम (Difficult) व ग्रामीण (Rural) भागातील घोषित आरोग्य संस्थांमध्ये किमान ०३ वर्षे सेवा दिलेल्या तसेच उपरोक्त ४.१ ते ४.५ मधील अटी पूर्ण करणाऱ्या सेवांतर्गत वैद्यकीय अधिकारी यांना वैद्यकीय शिक्षण व औषधी द्रव्ये विभागाच्या वाचा क.१५ येथील शासन निर्णयान्वये पदव्युत्तर अभ्यासक्रमाकरीता राखीव ठेवण्यात आलेल्या राज्य कोटयातील २० टक्के जागांवर प्राधान्याने प्रवेश देण्यात येईल. घोषित आरोग्य संस्थांतधील सर्व पात्र सेवांतर्गत उमेदवारांना प्रवेश दिल्यानंतर राखीव २० टक्के कोटयातील शिल्लक/रिक्त राहणाऱ्या जागांवर ज्या वैद्यकीय अधिकार्यांची अघोषित संस्थांमधील नियमित सेवा ही किमान ०३ वर्षे किंवा त्याहून अधिक असेल अशा वैद्यकीय अधिकार्यांना त्यांच्या NEET PG या पदव्युत्तर प्रवेश परीक्षेतील गुणवत्तेनुसार प्रवेश देण्यात येईल. सदर सर्व वैद्यकीय अधिकारी प्रतिनियुक्तीस पात्र राहतील.”

3. Learned counsel further relied on G.R dated 19.3.2019, by which Medical Services are classified in remote, difficult and rural areas. As per the said G.R, in Pune Circle, District Satara, Taluka Wai, Patan and Maan, some portions of these Talukas are considered as remote, difficult and rural areas and certain hospitals are declared as Rural Hospitals. Learned counsel submitted that the applicant has given letter dated 15.4.2024 to the Deputy Director, Health Services, Pune Circle for declaring District Civil Hospital, Satara as hilly area. The said proposal was sent by the Deputy Director, Health Services, Pune to the Commissioner, Health Services, Mumbai on 30.7.2024 with recommendations that District Civil Hospital, Satara should be considered as hilly area by giving 2 marks. Clause 3 of the G.R dated 19.3.2019 reads s under:-

“३. आरोग्य संस्थेचे वर्गीकरण करताना समितीने खालील तक्त्यात नमूद ५ निकष निश्चित केले त्यानुसार आदिवासी, नक्षलग्रस्त, डोंगराळ, ग्रामीण व मुख्यालयातील उपलब्ध सोईसुबिधा विचारात घेवून त्यांना पुढीलप्रमाणे गुण देण्यात आले.

अ.क्र.	क्षेत्र	गुण
१	आदिवासी	३

२	नक्षलग्रस्त	२
३	डोंगराळ	२
४	ग्रामीण	१
५	मुख्यालयातील उपलब्ध सोईसुविधा	२
	एकुण गुण	१०

4. Learned counsel for the applicant relied on the affidavit in reply dated 3.12.2024 filed by Arif Ahamad Sayyad, Chief Administrative Officer, in the office of Deputy Director, Health Services, Pune Circle, Pune, along with the minutes of the meeting of the Committee. Learned counsel relied on G.R dated 13.3.2024, wherein it is stated that Satar is in hilly area. Learned counsel relied on clause 5.5 of the G.R dated 19th July, 2023, which reads as under:-

“५.५ शासन निर्णय क्र. मवैअ-२०१९/प्र.क्र.१६५/सेवा-३, दि.१९.०३.२०१९ (सांकेतांक क्र. २०१९०३१३१०४७३५१३१७) मध्ये संस्थांचे वर्गीकरण करण्यात आलेले आहे. या संस्थांव्यतिरिक्त नव्याने संस्था निर्माण झाल्यास त्यांचे वर्गीकरण व यापूर्वी घोषित संस्थांच्या तपासणअंती त्यांच्या वर्गीकरणामध्ये काही सुधारणा आवश्यक असल्यास, नविन संस्थांच्या वर्गीकरणासाठी /जुन्या संस्थांच्या वर्गीकरणांमध्ये सुधारणा करण्यासाठी आयुक्तालय स्तरावर खालील प्रमाणे समिती गठीत करण्यात येत आहे.

अ. क्र.	पदनाम	
१	आयुक्त, आरोग्य सेवा, मुंबई	अध्यक्ष
२	संचालक, आरोग्य सेवा-१, मुंबई	सदस्य
३	सह संचालक, रुग्णालये (राज्यस्तर)	सदस्य
४	सह संचालक, प्रा.आ.केंद्रे, उपकेंद्रे व दवाखाने (जिल्हास्तर)	सदस्य
५	सह संचालक, अर्थ व प्रशासन	सदस्य सचिव
६	निमंत्रित विशेषज्ञ	सदस्य

या समितीने उपरोक्त नुसार A1/A2/A3/B1/B2 यातील वर्गीकरण करतांना डॉ. डोके समितीने ठरविलेल्या निकष विचारात घेऊन वर्गीकरण करावे व या वर्गीकरणानुसार गुण अनुज्ञेय राहतील.”

5. Dr Radhakishan Pawar, Deputy Director, Health Services, Pune Circle, is heard through Video Conference. He submitted

that on 16.8.2024 letter was sent by the Director, Health Services, Pune Circle, to the office of the Director, Health Services, Mumbai to inform the fresh proposal or any proposal regarding classification of difficult, remote and rural areas can be rectified. On 22.8.2024, Civil Surgeon, Satara gave proposal of adding District Civil Hospital, Satara in hilly area as classified on the basis of G.R dated 19.3.2019. Dr Pawar submits that finally he sent proposal dated 22.8.2024 giving opinion that District Civil Hospital, Satara does not fall in hilly area.

6. It is very difficult to decide whether District Civil Hospital Satara, Dist-Satara falls in hilly area when there is a specific opinion given by the Deputy Director, Health Services, Pune Circle, that it is not in hilly area. We cannot give any reason or go for judicial review as it a policy decision taken by the Respondents.

7. Hence, we find no merit in the Original Application and the same stands dismissed.

Sd/-
(A.M Kulkarni)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.01.2025
Dictation taken by : A.K. Nair.