

# **Dr. Meenakshi Saxena vs State Of U.P. Thru. Addl. Chief Secy. ... on 31 January, 2025**

**Author: Alok Mathur**

**Bench: Alok Mathur**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6880

Court No. - 6

Case :- WRIT - A No. - 1416 of 2025

Petitioner :- Dr. Meenakshi Saxena

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Prin. Secy. Medical Health Family We

Counsel for Petitioner :- Jai Bahadur Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. On an urgency being mentioned on behalf of learned counsel for petitioner, the case has been listed today in the supplementary list of fresh cases and has been heard.
2. When the mention was made, learned Standing Counsel was at that stage was directed to seek instructions and accordingly, written instructions from the Chief Medical Superintendent, 100 Bedded Combined Hospital Sirauli Gauspur, Barabanki has been received and placed before this Court and the same is taken on record.

3. Heard Shri Jai Bahadur Singh, learned counsel for petitioner, learned Standing Counsel for the State and perused the material available on record.

4. It has been submitted by learned counsel for petitioner that the petitioner was selected on the post of Medical Officer in PMHS Cadre through Public Service Commission and posted as Allopathic Medical Officer by order dated 11.11.2014 and joined on the said post at Community Health Centre, Sirauli Gauspur, Barabanki on 17.12.2014. There is no dispute that the Community Health Centre, Sirauli, Gauspur, Barabanki is considered a rural posting and is also included in the list of rural posting, which has been issued by the respondents, according to which at serial number 172 of the Government Order dated 15.03.2022. The petitioner was orally asked by the Chief Medical Officer, Barabanki to join at 100 Bedded Combined Hospital, which has started functioning in the early 2017 and is situated in the same compound at Sirauli Gauspur, Barabanki and in compliance of the said direction started working the said combined hospital. This aspect is also not disputed as the same fact find mentioned in the impugned order rejecting the representation of the petitioner for being granted a 'No Objection Certificate' to participate in the NEET PG Examination-2024 in order to obtain 30% weight-age in marks which are available to a Medical Officer of the Provincial Medical Health Services, who have worked at-least for three years in the rural area. The petitioner was under a belief that while working in the 100 Bedded Combined Hospital in Sirauli Gauspur, Barabanki, her services would be counted towards rural service, therefore, continued working and moved an application for obtaining a 'No Objection Certificate' in order to participate in the NEET PG Examination-2024.

5. Despite making an application giving all the details of the service, the 'No Objection Certificate' was not issued by the respondents and accordingly, it is in the aforesaid circumstances, the petitioner had approached this Court by filing a writ petition being Writ-A No. 748 of 2025, which was disposed of by this Court by means of order dated 21.01.2025 directing the respondents to decide the representation of the petitioner with expedition as provided in the order itself.

6. It is in compliance of the direction of this Court dated 21.01.2025 that the case of the petitioner has been considered for grant of 'No Objection Certificate' and the application made by the petitioner has been rejected. While rejecting the application of the petitioner, the only ground which has been considered is that there is a requirement of putting in three years of rural services, which is mandatory in nature and 'No Objection Certificate' is given only to those Medical Officers who fulfill the aforesaid condition. According to the respondents, the petitioner has worked in the rural service only for one year, three months and thirteen days only in Sirauli Gauspur, Barabanki, and therefore, the certificate has been declined.

7. It has further been stated that the hundred Bedded combined hospital Sirauli Gauspur, Barabanki does not fall into the list of the hospitals, which is considered as a rural service for granting 'No Objection Certificate' and consequently, the said 'No Objection Certificate' has not been granted to the petitioner.

8. Learned counsel for petitioner has submitted that the impugned order dated 12.01.2025 is illegal, arbitrary and inasmuch as, rural service is calculated as per the place of posting and the distance

from the headquarter is a relevant consideration. He further submits that there is no doubt that the petitioner was posted at the Community Health Centre, Sirauli, Gauspur, Barabanki, which according to the respondents themselves is considered as a rural posting as also included in the Government Order dated 15.03.2022 wherein at serial number 172, the said Community Health Centre is mentioned as rural posting.

9. He submits that within the same campus a hundred bedded combined hospital has come up and started functioning in 2016 but the same has so far not been included as rural posting, and therefore, case of the petitioner has been declined. He further submits that a perusal of the Government Order dated 15.03.2022 would indicate that the only relevant consideration for declaring a particular hospital or Community Health Centre being a rural posting is a distance from the headquarter. The distance has been calculated as 25 km. and once the Community Health Centre in the same premises has been declared to be a rural posting and there is no reason as to why a hundred bedded combined hospital has not been declared a rural posting

10. Learned Standing Counsel on the other hand has opposed the writ petition. He submits that whether a particular posting is a rural posting or not a rural posting is determined solely on the basis as to whether the said Community Health Centre is included by means of Government Order dated 15.03.2022 or not? Once a hundred bedded combined hospital has not been included to a rural posting in the Government Order dated 15.03.2022 then the benefit of the same cannot be granted to the petitioner, therefore, has supported the impugned order and prayed for dismissal of the writ petition.

11. This Court has heard the rival submissions of learned counsel for parties and perused the record and also the Government Order dated 15.03.2022 along with the written instructions.

12. The narrow campus for examination in the present case is as to whether the period spent by the petitioner while discharging her duties in the hundred bedded combined hospital in Sirauli Gauspur, Barabanki can be considered as a rural posting for the purposes of grant of a 'No Objection Certificate' for admission into the NEET PG Examination-2024? There is no dispute that the petitioner has joined at Community Health Centre Sirauli Gauspur, Barabanki on 17.11.2014 and continued to function on the said post for a period of more than one year till she was directed to join at the hundred bedded combined hospital which in the meanwhile had come up and its construction was complete and had become operational. The petitioner joined the hospital on 01.03.2016 and continued till 12.12.2024. The said hospital undoubtedly has come up in the same premises as Community Health Centre, Sirauli Gauspur, Barabanki.

13. This Court has also noticed that the Community Health Centre Sirauli Gauspur, Barabanki is included as a rural posting. The said entry has been made only on account of the fact that the said place is more than 25 km. away from the district headquarter as has been stated in the Government Order dated 15.03.2022. Once the Community Health Centre, Sirauli Gauspur, Barabanki has been held to be a rural posting, this Court does not find any reason why as to another hospital even though a hundred bedded hospital situated in the same premises would not be considered to be a rural posting for a limited purposes of grant of 'No Objection Certificate' for the entrance of NEET

PG Examinaiton-2024.

14. Accordingly, this Court finds that there is no reason forthcoming for denial of the benefit for having worked in the hundred beded combined hospital at Sirauli Gauspur, Barabanki, which is also equally distance as the Community Health Centre, Sirauli Gauspur, Barabanki. Accordingly, this Court finds that the impugned order dated 21.01.2025 has been passed solely on a consideration that the Community Health Centre, Sirauli Gauspur, Barabanki has been mentioned as a rural posting in the Government Order dated 15.03.0222 while the entry with regard to a hundred beded combined hospital is not included. Apart from the above, this Court does not find any consideration by the respondents with regard to as to whether Sirauli Gauspur, Barabanki would be considered as a rural posting or not? It is not the case of the respondents that the hundred beded combined hospital Sirauli Gauspur, Barabanki would not be included as a rural posting but only till date it has not declared to be a rural posting.

15. Accordingly, this Court find that the respondents have not adequately considered the grounds for grant of 'No Objection Certificate' to the petitioner, and even otherwise, this Court does not find any reason as to why the respondents could have denied the benefit to the petitioner for having worked at the hundred beded combined hospital for more than eight years which is situated in the same compound as the Community Health Centre, which has been declared to be a rural posting. Accordingly, this Court finds that the petitioner is duly entitled to be granted a 'No Objection Certificate' for having worked in the rural area for the period she has worked at Community Health Centre, Sirauli Gauspur, Barabanki as well the hundred beded combined hospital at Sirauli Gauspur, Barabanki.

16. In light of the above, the writ petition is allowed and the impugned order dated 21.01.2025 is set aside.

17. The respondents are directed to grant a 'No Objection Certificate' forthwith to the petitioner, so that she can participate in the NEET PG Examination-2024.

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(Alok Mathur, J.) Order Date :- 31.1.2025 Virendra