

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1521-1524 OF 2018  
(@ SLP (C) No.15061-15064/2017)

AARTI DHATWALIA & ORS.

APPELLANT (S)

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

RESPONDENT (S)

O R D E R

Heard learned counsel for the parties.

Leave granted.

These appeals have been preferred by the appellants aggrieved by the judgment and order passed by the High Court in various writ petitions decided by common judgment and order dated 12<sup>th</sup> April, 2017. The grievance raised by the appellants in the writ petition was with respect to the notification issued by the State Government on 20<sup>th</sup> March, 2017 in pursuance to the judgment of this court in State of U.P. & Ors. vs. Dinesh Singh Chauhan [(2016) 9 SCC 749]. For the purpose of admission in the PG Course for the year 2017-2018, a notification was issued by the State Government, clause (i) and (ii) thereof provided an incentive at the rate of 10% marks to in-service General Duty Officers (GDOs) for NEET (PG) for each calendar year of service in any of the areas declared as

difficult/remote/tribal/backwards with the maximum incentive marks had been 30%. The incentive could be only for the period of three years. The High Court has declined to interfere with the Notification issued by the State Government. The case of the appellant was that for an area to be identified as remote or difficult a proper identification has to be made dispute was raised with respect to the area specified in Annexure B and C. It was submitted that area found to be remote was overlapping and in many of the areas mentioned they are neither remote or difficult etc., some of areas have been left out from notification though they were remote and difficult etc.

Aggrieved by the order, the appeal has been preferred. It is urged that in this appeal the State has not notified certain areas as remote/difficult, the decision is arbitrary and unreasonable. Most of in-service GDOs in the State have been dis-entitled from receiving marks in NEET (PG) despite having spent many years in remote/difficult areas etc. They were entitled for having served in such areas for marks as per Regulation 9(IV) (b) of PG Regulations, 2000.

The High Court has taken note of various decisions and has upheld notification of the State Government. Without disturbing admissions made for last year, it is open to the State Government to identify for the areas

such as remote/difficult etc. It is also open to the State Government to notify such areas after undertaking requisite exercise. For this purpose we permit the appellant to submit a representation to the State Government. Let the representation be filed within one month from today by 28<sup>th</sup> February, 2018. The State Government shall examine the same as early as possible before admissions are granted latest by 30<sup>th</sup> April, 2018 and take a decision as per the observations made by this Court in order dated 15<sup>th</sup> December, 2017 in Dr.Amit Bagra & Ors. vs. State of Rajasthan & Ors. in SLP (C) 11692 of 2017 and other connected matters and State of Haryana and Anr. Etc. vs. Dr.Narender Soni and Ors. Etc. [AIR 2017 SC 2892]. Further, it would be open to the State Government to identify such areas as may be remote or difficult areas etc. as it may deem appropriate. No further case for interference is made out. The appeals stands disposed of.

Pending applications, if any, also stand disposed of.

.....J.  
(ARUN MISHRA)

.....J.  
(AMITAVA ROY)

NEW DELHI,  
JANUARY 30, 2018.

ITEM NO.8

COURT NO.10

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15061-15064/2017  
(Arising out of impugned final judgment and order dated 12-04-2017  
in CWP No. 581/2017 12-04-2017 in CWP No. 587/2017 12-04-2017 in  
CWP No. 640/2017 12-04-2017 in CWP No. 666/2017 passed by the High  
Court of Himachal Pradesh at Shimla)

AARTI DHATWALIA &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH &amp; ORS.

Respondent(s)

Date : 30-01-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Mr.Pranav Sachdeva, AOR

Ms.Neha Rathi, Adv.

For Respondent(s)

Mr.Ajay Marwah, Adv.

Mr.Karan Thakur, Adv.

Ms.Seema Sharma, Adv.

Mr.Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The civil appeals are disposed of in terms of the  
signed order.

Pending applications, if any, also stand disposed  
of.

(Ashok Raj Singh)

Court Master

(Signed Order is placed in the file)

(Jagdish Chander)

Court Master