

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 270 OF 2010**

DR. GAJANAN PANANDIKAR ... Petitioner  
Versus  
GOA UNIVERSITY REP BY ITS  
REGISTRAR & 3ORS. ... Respondent

Mr. Sudin Usgaonkar, Advocate for the Petitioner.  
Mrs. A. Agni, Advocate for the Respondent No.1.  
Mr. S.S.Kantak, Advocate General with Mr. A.Kamat, Addl.  
Government Advocate for the Respondent Nos. 2 to 4.

Coram:- S. J. VAZIFDAR &  
U. D. SALVI, JJ.

Date:- 12th April, 2010

P.C.

The Petitioner has completed his M.B.B.S. He seeks admission for the post graduate course. The Petitioner seeks a Writ of Mandamus directing Respondent No.1 to formulate the requisite scheme as required by the policy contained in a Notification dated 8.9.2009 and Writ of Mandamus directing Respondent No.2-Goa Medical College to add the sports merit marks gained under the said policy to the grand total marks to secure admission to post graduate course.

2. The Government of Goa formulated the Goa State Sports Policy in the year 2009. The same referred to the need to provide incentives to sports persons. Mr. Usgonkar relied upon paragraph 4 under the caption "Incentives and Benefits to Sports persons" which reads as under :-

"4. Award of sports merit marks ranging from 5 marks for Taluka level to 40 marks for International Level participation in

sports from Taluka to International Level and award of additional marks for achievements at various stages of competition, subject to maximum of 3% of the total aggregate of all the subjects at every internal exam and Board Examination at 10 + 2 Level. As regard Goa University, the Goa University shall also adopt a similar scheme to award sports merit marks, subject to a maximum of 3% of total aggregate marks for winning an International Gold Medal".

3. Firstly it is difficult to compel the Respondents to formulate the policy stipulating the number of marks to be allotted. More important, this is sought in respect of post graduate courses in the field of medicine. This is not permissible in view of the provisions of the Medical Council of India Regulations, 2000. Regulation 9(1) provides that students for post graduate courses shall be selected on the basis of their academic merit.

4. In the circumstances, the Writ Petition is dismissed.

S. J. VAZIFDAR, J.

U. D. SALVI, J.

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