

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19615 of 2014

=====

Shanu Gupta Daughter of Chandra Bhanu Gupta, Resident of c/o-Sharda
Aabhushnalay, Gola Bazar, Sherghati, District-Gaya

.... Petitioner/s

Versus

1. The Union of India, through its Secretary, Ministry of Human Resource Development, Govt. of India, New Delhi.
2. Central Board of Secondary Education through its Secretary, AIPMT, Ministry of Human Resource Development, Govt. of India, New Delhi.
3. Medical Counseling Committee through the Director General Health Services, Ministry of Health and Family Welfare, Govt. of India, Nirman Bhawan, New Delhi.
4. Director General Health Services, Ministry of Health and Family Welfare, Govt. of India, Nirman Bhawan, New Delhi.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Prakash

Ms. Soni Shrivastava

For the Respondent/s : Mr. Sujeet Kumar Sinha, CGC

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 21-01-2015

Heard.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents for allotment of a seat for her admission in 1st year M.B.B.S. course in the Session 2014-15 on the basis of the marks obtained by her in All India Pre Medical Entrance Test-2014.

Learned counsel appearing on behalf of the petitioner has submitted that the candidates who obtained lesser marks in the aforesaid medical entrance test have been admitted in M.B.B.S. course, but the claim of the petitioner for her admission in M.B.B.S. Course has been arbitrarily refused and not considered.

I am afraid, the reliefs sought for on behalf of the petitioner in the present writ petition cannot be countenanced primarily on two

grounds; firstly in view of the judgment and order dated 19.05.2014 by the Hon'ble Apex Court, passed in *Writ Petition (Civil) No. 737 of 2013, (Lipika Gupta & Anr. Vs. The Union of India & Ors.)*, no candidate shall be admitted in the 1st year M.B.B.S. Course for the Session 2014-15 after 30th September, 2014. Evidently, that period is over and, therefore, there cannot be any direction for taking admission of the petitioner in the M.B.B.S. Course for the Sessions commencing from 2014. Secondly, though the petitioner has claimed that the candidates having lesser marks have been admitted in M.B.B.S. course, but those selected candidates have not been impleaded as party respondents and in absence of those selected candidates the issue raised in the present proceeding cannot be gone into. The writ petition suffers from non-joinder of necessary parties.

For the reasons recorded above, this writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--