

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 1091 of 2015**

Avinash Thawait S/o Shri Ramkumar Thawai Aged About 31 years R/O  
Ward No. 1 Shastri Nagar, Bilha, P.S. And Tahsil Bilha, District Bilaspur  
Chhattisgarh

---- **Petitioner****Versus**

1. The State Of Chhattisgarh Through The Secretary Medical Education Mahanadi Bhawan, Mantralya, Naya Raipur Tahsil And District Raipur Chhattisgarh
2. The Secretary Health And Family Welfare Mahanadi Bhawan, Mantralaya, Naya Raipur Tahsil And District Raipur Chhattisgarh
3. The Director Medical Education Chhattisgarh Directorate Of Medical Education Old Nurses Hostel, D.K.S. Bhawan, P.S. Civil Lines Raipur Tahsil And District Raipur Chhattisgarh
4. Dean Pandit Jawahar Lal Medical College Raipur Tahsil And District Raipur Chhattisgarh

---- **Respondents**


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| For Petitioner        | : | Ms. Madhunisha Singh, Advocate. |
| For Respondent/ State | : | Shri U.N.S. Deo, G.A.           |

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**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &  
HON'BLE SHRI P. SAM KOSHY, J.**

**Order On Board****Per NAVIN SINHA, C.J.****29/6/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. The Petitioner is aggrieved by allotment of the "Anatomy" subject after Counseling for admission to post-graduate medical education.
3. Learned Counsel for the Petitioner submits that the Petitioner had mentioned "Anatomy" as the 8<sup>th</sup> option. On the date of Counseling, i.e. 10.6.2015 the Petitioner was not aware that 12 seats had been left vacant

pursuant to earlier counseling. The Respondents therefore ought to have considered allocation of subject to the Petitioner in order of merit. The last date for admission is 30<sup>th</sup> June, 2015. The Petitioner can well be directed to be considered for allotment of subject in order of preference on merit as mentioned by him in the list of preferences because of the vacant seats available.

4. Learned Counsel for the State opposing the application submits that 10.6.2015 was the last date for Counseling. It is next submitted that according to the order of Supreme Court in Writ Petition (C) No.76 of 2015, no admissions can be granted against vacancies arising from any reason from the waiting list.

5. We have considered the submissions on behalf of the parties.

6. The Petitioner has already been granted admission. He only seeks up-gradation of the subject according to his preference choice. No rules, regulations or guidelines have been brought to our attention in this regard and therefore we are unable to make any observation or give directions to consider up-gradation of the subject course.

7. If there are any rules, regulations or guidelines with regard to up-gradation of course due to vacancies after admission has been granted before expiry of scheduled dates, the Petitioner may represent before the authorities who are expected to consider the same in accordance with any law that may exist regulating the same.

8. The writ application is dismissed.

Sd/-

(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-

(P. Sam Koshy)  
**JUDGE**

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