

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1290 of 2015**

Pranay Thawait, aged about 20 years, S/o Dr. Subodh Thawait, R/o Thawait Nursing Home, Plot No.3, Kosabadi Road, Thana Chowki Rampur, Thana and District Korba

---- Petitioner**Versus**

1. The State of Chhattisgarh, through its Secretary, Medical Education, Mahanadi Bhawan, Mantralaya, Naya Raipur
2. Director, Medical Education, Old Nurse Hostel, D.K.S. Bhawan, Raipur
3. Chhattisgarh Professional Board Examination, through its Secretary, Raipur
4. Secretary, Health and Family Welfare Department, Mantralaya, Naya Raipur

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For State/Respondents	:	Shri U.N.S.Deo, Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****24/7/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. The Petitioner was a candidate at the Chhattisgarh Pre-Medical Test 2015 belonging to the OBC Category. The second counselling was to be held on 26-7-2015. According to the marks that he secured he was eligible for the second round of counselling, but could not be considered as he did not register online for the same.
3. Learned Counsel for the Petitioner submits that he was not aware and the Respondents did not provide any information that registration for counselling was required to be done online. The Respondents had his E-Mail address, the application form contained the postal address, mobile number, all of which were sufficient for the Respondents to intimate it. It was not a deliberate act on the part of the

Petitioner to not register online with full awareness as he stood to gain nothing but to lose only. The Respondents have refused to consider or even accept his representation. Persons in his category with lesser marks have been considered during online counselling, causing him serious prejudice.

4. Learned Counsel for the State has opposed the writ application submitting that if registration for counselling was to be done online and the Petitioner admits not having done so, he is not entitled to any relief.

5. A bare perusal of the Admit-Card issued to the Petitioner displays that it has been downloaded from the Internet. The prospectus annexed also requires that the applications were to be submitted online. There is no statement in the pleadings that there was no provision in the prospectus, any other document or even on the website that registration for counselling was required to be done online. It is not even the contention of the Petitioner that he was watchful of the website which never contained any link for online registration for counselling. The pleadings are very ambiguous. If the Petitioner did not read the newspaper or could not find the necessary information in the newspaper as pleaded by him, it does not lead to any presumption that there were no publication made by the Respondents either by publication or through electronic means mentioning that registration for counselling was to be done online. The address of the website is mentioned in the prospectus also. According to the Petitioner himself, persons with lesser marks than him, registered themselves for online counselling and have been granted admission.

6. It is unfortunate that the Petitioner missed-out the necessary information that may have been available on the website or published by any other means by the Respondents leading to his losing the opportunity for a second counselling.

7. Though we have all the sympathy for the Petitioner, relief cannot be granted on basis of sympathy alone.

8. The writ application is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE