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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 690 of 2015**

1. Dr. Iqbal Hussain S/O M.A. Hussain, Aged About 30 years R/O 9/903, Lane-6, Bhartiya Nagar, Bilaspur, Police Station And Post Bilaspur, Civil And Revenue District Bilaspur, (Chhattisgarh)
2. Dr. P.L. Mandavi S/O Siyaram Mandavi Aged About 35 Years R/O Community Health Centre, Darbha, Police Station And Post Darbha, Civil & Revenue District Bastar, (Chhattisgarh)
3. Dr. Narayan Dev Sahu S/O Motilal Sahu Aged About 35 Years R/O Medical Officer, Urban Primary Health Centre, Mova, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
4. Dr. Bhanwarlal Sharma S/O C.L.Sharma Aged About 30 Years R/O Annapurna, Sbi Road, Jagdalpur, Police Station And Post Jagdalpur, Civil And Revenue District Bastar, (Chhattisgarh)
5. Ashishan Kumar Minj S/O P. Minj Aged About 32 Years R/O Medical Officer, Community Health Centre, Gharghoda, Tahsil, Police Station And Post Ghargoda, Civil And Revenue District Raigarh, (Chhattisgarh)
6. Dr. Rajendra Rai S/O Babulal Rai Aged About 29 Years Working As Medical Officer At Primary Health Centre, Pirda, Block Pithora, District Mahasamund, (Chhattisgarh)
7. Dr. Rajesh Banjare S/O A. Banjare, Aged About 26 Years R/O Demonstrator, Govt. Medical College, Rajnandgaon, Police Station And Post Rajnandgaon, Civil And Revenue District Rajnandgaon, (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through Principal Secretary, Health and Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, Directorate Health Education, Indravati Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Director Directorate Health Services, Indravati Bhawan, Naya

Raipur, District Raipur, (Chhattisgarh)

4. Ayush and Health Science University, Through Registrar, G.E. Road, Raipur, District Raipur, (Chhattisgarh)
5. Union of India, through Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, C-Wing, New Delhi (India), 110001
6. Medical Council Of India, through its Secretary, Pocket- 14, Sector-8, Dwarka, New Delhi- 110077 (India)

--- Respondents

For Petitioners	:	Shri Manoj Paranjpe and Shri Akash Pandey, Advocates.
For Respondent/ State	:	Shri U.N.S. Deo, Government Advocate.
For Respondent No.5	:	Shri Narendra Kumar Vyas, Assistant Solicitor General.
For Respondent No.6	:	Shri Ranbir Singh Marhas, Advocate.

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

Order On Board

Per NAVIN SINHA, C.J.

14/5/2015

1. The challenge in this writ application was to the vires of the Chhattisgarh Chikitsa Snatkottar Pravesh Niyam, 2015 framed in exercise of powers under Section 3 readwith Section 4 of the Chhattisgarh Chikitsa Mahavidyalayon Ke Snatkottar Pathyakramon Main Pravesh Niyam, 2002 to the extent that it did away with reservation of seats for in-house candidates in Post-Graduate Medical Courses and Post-Graduate Diploma Courses.

2. All the seven Petitioners were candidates for the examination. Except for Petitioner No.3, others have failed to qualify in the written examination. The question for preference to them during admissions as an in-house candidate and on which ground the vires of the Rules have been challenged does not survive any more. They have no further locus in the matter having been unsuccessful in the written examination.

3. Learned Counsel for Petitioner No.3 very fairly acknowledges that pursuant to counselling he has got admission in a discipline of his choice. However, Learned Counsel for the Petitioners nonetheless sought to persuade us to examine the larger issue for the challenge to the vires.

4. In the facts and circumstances of the present case, we are satisfied that the challenge to the vires has become academic and are not inclined to examine issues academically. The larger question is therefore left open for consideration in an appropriate case.

5. The writ petition is dismissed with regard to Petitioners No. 1, 2 and 4 to 7. Insofar as Petitioner No.3 is concerned, the writ petition is disposed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE