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HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (C) NO. 1678 OF 2015

- Mahima Gawri, D/o Shri Upendra Gawri, aged about 17 years, Through legal guardian father Shri Upendra Gawri, aged about 47 years, R/o C-92, Sector-2, Devendra Nagar, Raipur, Distt. Raipur (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Ministry of Health and Family Welfare, Mantralaya Parisar, Naya Raipur, Distt. Raipur (C.G.)
2. Directorate of Medical Education, State of Chhattisgarh, through its Director, Old Nurses Hostel, DKS Bhawan Parisar, Raipur, Distt. Raipur (C.G.)

... Respondents

WRIT PETITION (C) NO. 1679 OF 2015

- Ku. Subdha Shri, aged about 19 years, D/o Shri Anand Kumar Tiwari, R/o Vishnu Chhaya, Aditiya Nagar, PS Mohan Nagar, District Durg (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, the Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Naya Raipur (C.G.)
2. Directorate of Medical Education, Chhattisgarh, through its Director, Raipur (C.G.)
3. Medical Council of India, through its Secretary, Pocket – 14, Sector -8, Dwarka, Phase -I, New Delhi – 110077, India.

... Respondents

WRIT PETITION (C) NO. 1680 OF 2015

- Ku. Ekta Shrivastava, aged about 21 years, D/o Shri Hemant Shrivastava, R/o B-64, Vidyut Nagar, PS Pulgaon, District Durg (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, the Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Naya Raipur (C.G.)
2. Directorate of Medical Education, Chhattisgarh, through its Director, Raipur (C.G.)
3. Medical Council of India, through its Secretary, Pocket – 14, Sector -8, Dwarka, Phase -I, New Delhi – 110077, India.

... Respondents

Ms. Fouzia Mirza, Advocate, for the Petitioner in WPC No.1678/2015.
Mr. Vinay Pandey, Advocate, for the Petitioners in WPC Nos.1679 and 1680 of 2015.
Mr. Prafull Bharat, Additional Advocate General, for Respondent-State.
Mr. R.S. Mahras, Advocate, for Respondent No.3 in WPC Nos. 1679 and 1680 of 2015.

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

Order on Board

Per NAVIN SINHA, C.J.

16/09/2015

1. The Petitioners in all the writ applications have been allotted colleges in the third round of counseling and the last date for taking admission is 17th September, 2015.
2. Learned Counsel for the Petitioners submits that certain seats are to revert from the Central quota to the State quota this year because of the AIPMT examinations having been cancelled leading to fresh examinations. Resultantly, those who may not have had any opportunity for admission after routine third counseling will now become eligible to be considered. This will create a piquant situation where persons like the Petitioners with higher marks are required to compulsorily take admission on basis of the third round of counseling while those below them who would now be considered against the reverted Central quota seats would be of lower merit and may get better colleges/courses.
3. Learned Additional Advocate General submits that the circumstances in the present year are peculiar because of the cancellation of the AIPMT examinations as in earlier years unfilled Central quota seats reverted before the counseling for State quota seats was completed.

4. We find that some of the Petitioners have represented. In the facts of the case, in our opinion, the Respondents are required to consider the representations in accordance with law under Rule 12 of the Chhattisgarh Medical and Dental Medicine Graduate Entrance Rules, 2015 (hereinafter referred to as “the Rules”). The question of usurpation of jurisdiction under Rule 12 by the Court under Article 226 of the Constitution does not arise.

5. Liberty is granted to the Petitioners to represent/supplement their representations. The Respondents are required to pass appropriate orders under Rule 12 in accordance with law expeditiously considering the urgency of the matter, and not frustrate the representations by sheer inaction and mere passage of time.

6. The Writ Petitions are disposed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge