

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18783 of 2015

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1. Achinto Abhishek son of Dr. A.N. Goswami, resident of Pani Tanki, Hanuman Ghat Road, Refugee Colony, Barari, Bhagalpur bearing Roll No. 204917 in BCECE- 2015, presently studying in Medical College (BMCH) at Chitradunga (Karnataka).

2. Gaurav Vatsa, son of Mahesh Prasad Rai, resident of Village- Sahuri, P.S. Pusa District Samastipur bearing Roll No. 205543 in BCECE- 2015 presently studying in Medical College at Dhawar (Karnataka)

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Health Department, Patna.

2. The Principal Secretary, Health Department, Govt. of Bihar.

3. The Combined Entrance Competitive Examination Board through its Chairman IAS Bhawan, Near Airport, Patna- 14.

4. The Chairman, IAS Bhawan, near Airport, Patna-14.

5. The Secretary IAS Bhawan, near Airport, Patna-14. the Controller of Examination IAS Bhawan, near Airport, Patna-14.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Ashok Kumar Keshari- AAG11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-04-2016

Heard learned counsels for the parties.

Petitioners want a direction upon the respondent authorities to offer him admission on the MBBS seats, since still some seats have remained vacant. He has the requisite percentage of marks and position in the competitive examination, conducted by the respondents. He missed out the counseling, which was fixed on 30th of September, 2015, because of lack of proper information and notice, coupled with the limited time, which was offered for participation in the counseling.

This Court cannot exercise any authority in extending the date of admissions, which have been fixed by the Hon'ble Supreme Court, by giving any kind of indulgence to the petitioner. The circumstances, which were created for holding of the counseling on 30th of September, 2015, is well recorded in the counter affidavit, filed on behalf of the Competitive Examination Board, which was a fall out of a judicial order on the nature of seats and how they are going to be utilized with regard to SC/ST category candidates.

It is the stand of the respondent-Board that notice was published, both on the website as well as wider circulation was given. No doubt, keeping in mind the cut-off date for counseling, the matter had to be rushed.

Pending or vacant seats cannot be allowed to be occupied by a candidate beyond the cut-off date of admission, fixed by the Hon'ble Apex Court.

No relief can be granted to the petitioners in the above circumstances.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	02.05.2016
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