

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1915 of 2015**

Dr. Arvind Kumar Pathak, S/o Shri Virendra Prasad Pathak, aged about 31 years, R/o Shiv Complex, Near Gramin Bank, Bhaiyathan, Tahsil Bhaiyathan, Police Station Jhilmili, District Surajpur (Chhattisgarh) Pin 497231

--- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Health & Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Chhattisgarh Ayush and Health Sciences University, Through Registrar CG Ayush and Health Sciences University GE Road Raipur, District Raipur (Chhattisgarh)
3. Registrar/Examination Controller, CG Ayush And Health Sciences University, GE Road, Raipur, District Raipur (Chhattisgarh)
4. Principal, (President Selection Committee) Government Ayurved Mahavidyalaya, Raipur, (Chhattisgarh).
5. Director AYUSH, Directorate Ayurved Yog Evam Prakratik Chikitsa Unani Siddha Evam Homyopathy (AYUSH) Raipur (Chhattisgarh).

---- Respondents

Writ Petition (C) No. 1918 of 2015

Dr. Astha Mishra wife of Dr. Neeraj Kumar Mishra, aged about 31 years, Resident of Ajeet Apartment, Flat No. 305, Phase 2, Karbala Bilaspur, Police Station City Kotwali, District Bilaspur (Chhattisgarh)

--- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Health & Family Welfare Department, Mantralaya, New Raipur, PS Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate AYUSH, DKS Bhawan Parisar, Raipur District Raipur, (Chhattisgarh)
3. CG AYUSH Avam Swasthya Vigyan Vishwavidyalaya Raipur, Through the Registrar, GE Road, Government Ayurvedic College Campus, Raipur, District Raipur, (Chhattisgarh)

4. The Government Ayurvedic College, GE Road, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Prateek Sharma and Shri Chandresh Shrivastava, Advocates.
For Respondent/State	:	Shri UNS Deo, Government Advocate
For Respondent No. 2&3	:	Shri Narendra Kumar Vyas and Shri Rajeev Shrivastava, Advocates.

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

Order on Board

Per Navin Sinha, Chief Justice

14/01/2016

1. The common question of law arising for consideration in both these writ petitions is whether the reservation roster is required to be separate with regard to in-service candidates, who constitute a separate class or can there be a common reservation roster both for in-service candidates and candidates seeking admission against general appointment seats in context of admission in Pre PG Course "Ayurved Vachaspati (MD Ayurved) Evam Ayurved Dhanvantari (MS Ayurved)" and the rules framed in this regard called the "Chhattisgarh Snatakottar Ayurved Shiksha Pravesh Pariksha Niyam, 2013" (hereinafter called 'the Rules').
2. Since the admissions have already been completed and the course has also commenced on 21.11.2015, no relief by grant of admission can be given to the Petitioners. The issue of law arising for consideration has become academic. We therefore refrain from deciding it in the present applications and the question is left open for consideration in an appropriate case.
3. Since the Respondents had not mentioned any details of in-service seats reserved for Scheduled Tribe and Scheduled Caste candidates only and had accepted the applications of the Petitioners belonging to the general category, the

Respondent-University is directed to refund the examination fee of Rs. 5000/- each paid by the Petitioners within a maximum period of two weeks from today. This order has been passed in presence of Learned Counsel for the parties.

4. In view of the clarificatory applications filed by the Respondent-University and the State Government, the order dated 9.12.2015 is recalled.

5. The writ petitions stand disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE