

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.838 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 6334 of 2017**

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1. Dr. Rakesh Kumar, son of Sri Satyadeo Choudhary, Resident of Village+P.O.- Kadirganj, P.S. Kadirganj, District- Nawada, Bihar
 2. Dr. Niraj Kumar Choudhary, S/o- Sri Nand Kishore Choudhary, Resident of Village- Saraiya, P.O. Sirsi, Via- Harnaut, P.S. Bakhtiyarpur, District- Patna, Bihar
 3. Dr. Ajay Chaudhari, S/o- Sri Ram Swarup Chaudhari, Resident of Village- Khankhanapur Panchu, P.O.+P.S. Hisua, District- Nawada, Bihar
 4. Dr. Rajesh Kumar Choudhary, S/o- Rajeev Nayan Prasad, Resident of Village- Amarpur, P.O.- Sachaul, P.S.- Hisua, District- Nawada, Bihar

.... Appellant/s

Versus

1. Union of India through its Secretary, Ministry of Health and Family Welfare Nirman Bhawan, New Delhi-1
2. Medical Council of India, Pocket- 14, Sector-8, Dwarka, Phase-1, New Delhi-77 through its Secretary.
3. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
4. The Principal Secretary, Health Department, Government of Bihar
5. The Chairman, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Airport, Patna-14
6. The Controller of Examination Bihar Combined Entrance competitive Examination Board, IAS Association Building, Near Airport, Patna-14
7. Officer on Special Duty, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Airport, Patna-14

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Priyadarshi Matri Sharan, Advocate
For the Union of India	:	Mr. S.D. Sanjay (Addl. S.G.)
For M.C.I.	:	Mr. Kumar Brijnandan, Advocate
		Mr. Tarees Hameed, Advocate
For BCECE	:	Mr. Vikas Kumar, Advocate
For the State	:	Mr. S.D. Yadav, AAG-9)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Office objection overruled.

2. Seeking exception to an order dated 27.04.2017 passed



by the learned Writ Court in C.W.J.C. No. 6334 of 2017, this appeal has been filed under Clause 10 of the Letters Patent.

3. The appellants felt aggrieved by the act of the respondents in which distribution of Post Graduate medical seats in various Medical Colleges in the State of Bihar was undertaken with reference to allotment of seat to Scheduled Caste category candidate. 16 per cent of the Post Graduate seats in the State in question are reserved for Scheduled Caste category candidates. Out of the 214 available seats 16 per cent are to be filled up by candidates belonging to this category. It was the case of the appellants that while distributing the seats proper distribution with reference to clinical subjects have not been made, as a result, the right of the appellants to seek admission to a particular subject is being deprived.

4. The learned Writ Court examined Clause 8 of the rules for admission and found that it does not make any distinction between clinical and non-clinical subject for the purpose of implementation of the reservation policy and finding the distribution of seats amongst various categories to be in accordance to the prospectus the writ petition has been dismissed.

5. We find no error in the order passed by the learned Writ Court warranting consideration. Nothing is brought to our notice on the basis of which it can be construed that the distribution of seats



has been done contrary to the rules. Once there is no challenge to the rules and the distribution of seat is found to be in accordance to the requirement of the rule, no indulgence into the matter is called for.

6. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.05.2017
Transmission Date	

