

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6334 of 2017

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1. Dr. Rakesh Kumar, son of Sri Satyadeo Choudhary, resident of village and post office Kadirganj, Police Station kadirganj, District-Nawada, Bihar
 2. Dr. Niraj Kumar Choudhary, son of Sri Nand Kishore Choudhary, resident of village Saraiya, post office Sirsi, via Harnaut, Police Station Bakhtiyarpur, District Patna, Bihar
 3. Dr. Ajay Chaudhari, son of Sri Ram Swarup Chaudhari, resident of village Khankhanapur Panehu, post office and Police Station Hisua, District Nawada, Bihar
 4. Dr. Rajesh Kumar Choudhary, son of Rajeev Nayan Prasad, resident of village Amarpur, Post Office Sachaul, Police Station Hisua, district Nawada, Bihar

.... Petitioners

Versus

1. Union of India, through its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-01
2. Medical Council of India, Pocket-14, Section 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. The Officer on Special Duty, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Airport, Patna-14

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Uma Shankar Mr. Vishal Sinha
For the State	:	Mr. Nagendra Pd.Yadav, SC 23
For the Union of India	:	Mr. S. D. Sanjay, Addl.S.G. Mr. Rakesh Kumar Verma, CGC
For the M.C.I.	:	Mr. Kumar Brijnandan Mr. Tarees Hameed
For B.C.E.C.E.B.	:	Mr. Vikas Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 27-04-2017

Heard learned Counsel for the parties concerned.

2. The petitioners, four in number, are aggrieved by the manner in which the P.G. medical seats are being distributed for the purpose of admission in various medical colleges in the State of Bihar, to the extent the same relates to Scheduled Castes (SC) category candidates.

3. The petitioners belong to Scheduled Castes category and they have been offered admission in P.G. medical courses. The petitioners are, admittedly, declared successful in the National Eligibility –cum- Entrance Test (NEET) (Post Graduate), held for admission to P.G. medical courses. On the basis of counseling, petitioner no. 1 has been offered admission to M.D. in Pharmacology in the Patna Medical College and Hospital, Patna; petitioner no. 2 has been offered admission to M.D. in Medicine in the Nalanda Medical College and Hospital, Patna and petitioner no. 4 has been offered M.D. in Forensic Science; whereas petitioner no. 3 is undergoing the process of counseling.

4. 16 per cent of the P.G. seats, in the State of Bihar, are reserved for Scheduled Castes category candidates.



There are, altogether, 214 seats to be filled up, out of which said 16 per cent of the seats are reserved for Scheduled Castes category candidates.

5. The case, which the petitioners are trying to make out, is that out of various P.G. medical courses, those in clinical subjects are always given more weightage and are considered to be more important and, therefore, 16 per cent reservation to Scheduled Castes category candidates should be given keeping that aspect in mind. Meaning thereby, it is the petitioners' case that, at least, 16 per cent of P.G. medical seats, in clinical subjects, should be treated to be reserved for Scheduled Castes category candidates.

6. I do not feel persuaded by the stand taken on behalf of the petitioners.

7. Article 15 (4) of the Constitution of India enables the State for making any special provision for advancement of any socially and educationally backward classes of citizens. Article 15 (5) of the Constitution of India enables the State Government to make provision for reservation in the matters relating to admission to educational institutions. The extent to which reservation can be provided and the manner in which it is to be implicated is a matter of policy decision of the State and no interference is required by the Court in a proceeding under Article 226 of the Constitution



of India, unless the action of the State is found to be in violation of Article 14 of the Constitution of India, or otherwise legally invalid, either by allowing excessive reservation or implementing reservation policy arbitrarily, in teeth of constitutional or statutory requirement.

8. Clause 8 of the Prospectus for admission to P.G. courses in the State of Bihar lays down the reservation policy for admission. It does not create any distinction between clinical and non-clinical subjects for the purpose of implementation of reservation policy. No case of unfair distribution of seats among Scheduled Castes category candidates is made out on the basis of what has been pleaded in the writ petition.

9. Learned Counsel for the petitioners has specifically referred to the statement made in paragraph 19 of the writ petition to persuade this Court that action of the State-respondents is arbitrary.

10. I am not convinced with the submission for the reason that I do not find, on the basis of what has been stated in the said paragraph, that the procedure adopted by the Bihar Combined Entrance Combined Examination Board for distribution of seats to SC category candidates is in breach of the reservation policy.

11. This application has no merit. It is,



accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.05.2017
Transmission Date	N.A.

