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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 58 of 2017**

- Anand Kumar S/o Late Shiv Kumar, Aged About 39 Years R/o Near Ashoka Tower, Shankar Nagar, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Health & Family Welfare, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. Medical Council Of India, Through Secretary, Sector- 8, Pocket- 14, Dwarka, New Delhi 110077.
3. Chhattisgarh Medical Council, Through Its President, 1st Floor, Above Dr. Balmukund Sharma Clinic, Kanakalipara, Near Nagar Nigam Ayurvedic Hospital, Raipur 492001 (Chhattisgarh)
4. The Public Service Commission, Through Its Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.

--- Respondents

For Petitioner	:	Mr. Ravi Bhagat, Advocate
For State	:	Mr. A.S.Kachhawaha, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****10.04.2017**

1. This Public Interest Litigation styled so by the Petitioner, a youngster, who does not appear to be a competitor, is filed challenging a notification for recruitment to the posts of Assistant Professor in Medical Oncology and Surgical Oncology.
2. At the outset, we notice that the field being one related to selection and

appointment of Assistant Professors and other teachers in the Department of Medical Education and the Directorate of Health and Family Welfare, we would not entertain this matter as Public Interest Litigation having regard to the consistency obtained in the laws relating to such matters. See for support **Dr. Duryodhan Sahu And Ors vs Jitendra Kumar Mishra And Ors**¹.

3. Be that as it may, we thought it appropriate to examine items clauses 30 & 31 among the different courses for which Annexure P/1 notification has been issued. We have compared it with the prescription as to qualification, as shown by the Petitioner, making reference to Regulations and other provisions of the Medical Council of India. The plea of the Petitioner is that those clauses have trimmed down the qualification of experience prescribed by the Medical Council of India.
4. Reverting to clauses 30 and 31 of the Annexure P/1 and in contradistinction to the different other enumerated subject therein, we see conspicuous use to the word “or” among different qualifications prescribed under those clauses, which would fall along with the requirement of 2 years special training in Medical Oncology or Surgical Oncology, as the case may be. If a candidate possess DM in Medical Oncology, it is not required that the said person should have 'special training in Medical Oncology'. Similarly, if a person has MCH with Surgical Oncology that person need not have 'special training in Surgical Oncology'. The possession of DM or MCH in Medical Oncology and Surgical Oncology respectively is by itself evidence of the fact that the Applicant has the requisite special training which a person would get in medical oncology or surgical oncology as the case may be. We say so having particular regard to the facts of the case in hand and the plea raised

1 1998 (7) SCC 273

by the Petitioner.

5. With this view of the matter, we do not think that there is any scope for this Court to sit in judicial review over Annexure P/1 notification inviting applications.
6. Faced with the aforesaid situation, the learned Counsel for the Petitioner seeks to withdraw this Writ Petition. We, therefore, dismiss the Writ Petition as withdrawn.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge