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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2183 of 2017**

Raman Vijay Kurre S/o Mr. Bed Ram Kurre, Aged About 19 Years R/o Village Tenduadih, Tahsil Pamndariya, District Kawardha Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Medical & Health Education, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. The Director, Department Of Medical Education, D. K. S. Bhawan, Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Raza Ali, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****30/08/2017**

1. We have heard the learned counsel for the Petitioner and the learned Government Advocate.
2. The Petitioner moved this writ petition pleading that he belongs to a Scheduled Caste and is physically handicapped. He claimed reservation in quota allotted for physically disabled persons among Scheduled Castes for the purpose of admission in the MBBS course in the different colleges in the State of Chhattisgarh. One plea that was projected in the writ petition is that the State Government has not allotted 3% of seats and requisite number of seats available to the physically handicapped members of the Scheduled Caste. Therefore, directions were issued through interlocutory order requiring the State Government to place the details.
3. Through the order dated 22.8.2017, it was noted that the 3% of the seats available to the physically handicapped persons among the members of Scheduled Caste will work out to the round figure of one. We had yet kept the writ petition pending

to find out that whether the Petitioner would find his way to a seat in a medical college in the last round of counselling which is called mop-up counselling, which was held yesterday. Today, when the matter is taken up, it is submitted that the Petitioner could not make it even in the mop-up counselling. The question therefore is whether we would pass any further order in favour of the Petitioner.

4. The learned Government Advocate, pointing out Clause 5(2)(B) of the notification stated that the reservation for physically handicapped candidates are allowed only in terms of the MCI guidelines which confines such reservation to people who though physically handicapped, are not handicapped as far as their 'upper limb' are concerned. Reverting to Annexure P/1 collectively, it can be seen that the Petitioner has physical deformity in his upper limbs, as certified by the Doctor who has issued the document which is placed as part of Annexure P/1. That disability certificate shows that the Petitioner has 40% disability identified as relatable to the upper limb and lower limb. This is indicated by the use of the notation called 'UL/LL'. Though the Petitioner has passed his higher secondary examination with his challenged physical situations, we are unable to hold that he is eligible to be considered for admission to MBBS course in the light of the afore-noted condition in the notification, which is founded on the MCI guidelines. Needless to say, it is within the domain of the MCI to prescribe such condition, having regard to the purposes for which medical education imparted. Under such circumstances, the Government has no other way but to stick to the guidelines of the MCI. For this reason as well, we are unable to grant any further relief to the Petitioner.
5. In the result, the petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE