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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2257 of 2017**

Abhijeet Pathak (Minor) aged about 17 years, through mother Smt. Shanti Pathak, W/o Shri Parth Pratim Pathak, aged about 47 years, R/o House No. 5, Simran City, Phase-V, Mathpurena, Santoshi Nagar, Police Station Tikrapara, Tehsil and District Raipur, Chhattisgarh.

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1. State of Chhattisgarh, Through: Secretary, Health Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Director, Chhattisgarh Directorate of Medical Education, Old Nurses Hostel, DKS Bhawan, Parisar, Raipur, District Raipur, Chhattisgarh.
3. The Dean, Swargiya Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagalpur, District Bastar, Chhattisgarh.

---- Respondents

For Petitioner : Shri Rahul Jha, Advocate.

For Respondent/State : Shri Prafull N Bharat, Additional Advocate General

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

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****25/08/2017**

1. We have heard the learned counsel for the Petitioner and the learned Additional Advocate General.
2. The Petitioner was admitted on 28.07.2017 for MBBS course in the Swargiya Baliram Kashyap Government Medical College, Jagdalpur. The impugned Annexure P/1 was issued on 12.08.2017 cancelling that

admission on the premise that the certificate evidencing the Petitioner's domicile in the State of Chhattisgarh was obtained after 22.07.2017, the last date for registration for counselling.

3. The fact that the Petitioner is a domicile of the State of Chhattisgarh is not in dispute. The certification as to domicile was relevant for examination at the time of counselling. That event could have happened at any time before the last date fixed for counselling. Therefore, the non-production of a domicile certificate obtained before 22.07.2017, which is the last date for registration for counselling, cannot be a ground for denying admission or cancelling the admission which was already given. Therefore, Annexure P/1 does not stand in law.
4. In the result, this writ petition is allowed quashing Annexure P/1 and directing that the Petitioner will be permitted to continue with his studies in the College in which he was admitted for MBBS course as if Annexure P/1 was never issued.
5. The writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE