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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2316 of 2017**

Ankit Sahu S/o Shri R.S.Sahu R/o C/o S.K.Nayar, Front Road of Luthra Hospital,
Mungeli Naka Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through: Its Secretary, Department of Public Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur.
2. The Director of Medical Education, Chhattisgarh, HQ Old Nurses Hostel, DKS Bhawan Campus, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri R.K.Kesharwani, Advocate.
For Respondent/State	: Shri Prafull N Bharat, Additional Advocate General with Shri UNS Deo, Government Advocate.

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

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****29/08/2017**

1. We have heard the learned counsel for the Petitioner and the learned Additional Advocate General.
2. The Petitioner is allotted a seat in the Government Medical College, Rajnandgaon. The claim of the Petitioner is that she is entitled to be provided with seat either in the Raipur or Bilaspur Medical College. The claim of the Petitioner is based on his eligibility to come under the quota earmarked for kith and kin of Freedom Fighters. There is no such quota available in Bilaspur College.

3. The question whether the Petitioner would be allotted in the Raipur Medical College is a matter which will have to be ultimately dealt with if such vacancy is available for consideration in the mop-up counselling which is to be held today.
4. We are told by the learned Additional Advocate General that the Raipur seat has already been allotted to a person who holds a better rank. We cannot disturb any such situation now more particularly because there is no rival candidate among the Respondents in the writ petition. Hence, the request made by the Petitioner cannot be allowed. However, we leave open right of the Petitioner to participate in the mop-up counselling to find out whether he would get the Raipur seat if the present incumbent has left that College.
5. In the result, the writ petition is dismissed subject to what is stated immediately above.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE