

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2326 of 2017**

Dolly Sahu D/o Shri R.S.Sahu, Aged about 24 years, R/o C/o S.K.Nayar, Front of Luthara 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 Hosptel, DKS Bhawan Campus, Raipur, Chhattisgarh.
3. Dr. A.K.Chandrakar, the Director of Medical Education Chhattisgarh, HQ Old Nurses Hostel, DKS Bhawan, 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. The Petitioner has filed this writ petition seeking a direction to the Respondent No. 2 to consider her name for granting seat in the MBBS course from the Freedom Fighter Quota (OBC Category).
2. The fact of the matter remains that the Freedom Fighter Quota in the OBC category has been filled up. The Petitioner's further case is that there are unfilled seats in the Freedom Fighter Quota for Scheduled

Castes and Scheduled Tribes and those unfilled vacancies should be made available to the Freedom Fighter Quota in the OBC category. This plea cannot be countenanced in view of the fact that there is no clause in the prospectus or the allotment rules which provide for the unfilled Freedom Fighter Quota OBC category seats to revert to any other categories in the Freedom Fighter Quota. Obviously, therefore, the Respondents are justified in saying that the unfilled Scheduled Caste / Scheduled Tribe category seats in the OBC quota will ultimately revert to merit quota without reference to the different categories and quotas.

3. In this view of the matter, we do not find any ground to come to the aid of the Petitioner and grant any relief.
4. This writ petition fails and is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE