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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2315 of 2017**

Sakshi Gupta D/o Shri Sujit Kumar Gupta, Aged About 19 Years R/o Near E W S 43, Nehru Nagar, Bilaspur, District Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Public Health & Family Welfare, Mantralay, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. The Director Of Medical Education, Chhattisgarh, H.Q. Old Nurses Hostel, D.K.S. Bhawan Campus, Raipur, Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri R.K. Kesharwani, 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, 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 seeks an order that Respondent No.2 may be directed to consider her name to upgrade her in the counselling thereby enabling her to get admission in a Government medical college having regard to the fact that she is ranked 294 in the Chhattisgarh State domicile list.
3. We have perused the materials on record including the return filed by the Respondents.
4. Annexure R/1 alongwith the return of the Respondents would show that the Petitioner who has an overall ranking of 896 for the State of Chhattisgarh and Chhattisgarh domicile rank of 294 and belongs to the unreserved category. She was allotted to the CM Medical College which is a private medical college in round No. 1 of counselling. In the column meant to indicate whether she is proceeding

for up-gradation, the entry is “No”. We cannot therefore denounce the plea of the Respondents that the Petitioner, after having been allotted against the private medical college, had adopted out of further counselling on her own volition and had not claimed any up-gradation in the counselling, going by the official records. That being so, we are unable to come to the aid of the Petitioner though she has the Chhattisgarh domicile rank of 294.

5. The learned counsel for the Petitioner, making reference to Clause 7.11 of the notification, points out that the candidate is entitled to continue in the counselling even after being allotted to a particular college and after getting admission in a particular college. This plea cannot be accepted in a case where a person is shown to have consciously gone out of the counselling by giving the preference not to seek up-gradation in the counselling. We are unable to say that a person who had gone out of counselling should have been permitted to get the benefit of a Clause which relate to candidates who desire to continue in the counselling process, including for up-gradation.
6. For the aforesaid reasons, we see no ground to to grant any relief to the Petitioner.
7. In the result, the petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE