

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 2701 of 2017**

1. Ku. Monika Sahu S/o Shri Jitendra Sahu, Aged About 19 Years R/o House No. 28, Sai Vela, Oposite Sai Temple, G. E. Road, Kumhari, District Durg Chhattisgarh.
2. Pushpendra Kumar Sahu, S/o Shri Panna Lal Sahu, Aged About 21 Years R/o Rohani Puram, Gol Chowk, Behind Sai Temple, Raipur, District Raipur Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare And Medical Education Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. Director, Medical Education Chhattisgarh, Raipur.

**---- Respondents**

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For Petitioner : Shri Somkant Verma, Advocate  
For State : Shri UNS Deo, Government Advocate  
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**Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**  
**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order on Board**

**Per Thottathil B. Radhakrishnan, Chief Justice**

**28.11.2017**

- 1) The petitioners stake claim to be admitted to the MBBS course.
- 2) We have heard the learned counsel for the petitioners and the learned Government Advocate.
- 3) The petitioners belong to OBC category. They are also persons eligible to be considered as dependants of Sainik class. Fundamentally, therefore, to obtain admission as an OBC candidate belonging to Sainik class, they should satisfy both those conditions. There are more meritorious candidates who have already got admitted in that conjoint class. The petitioners, now say that other unfilled vacancies should be

opened up for them as well. This is impermissible even in terms of the binding Rules and prospectus conditions. In the absence of a candidate for vertical and horizontal reservation, that slot will open up to the group that will fall in the vertical line of that slot. Therefore, if an OBC Sainik class candidate is not available, such vacancy is opened up to the OBC category, without any further classification. This obviously, does not permit bringing any other vacancies to be ear-marked on preferential basis to OBC Sainik class. The claim of the petitioners, therefore, fails.

4) In the result, this Writ Petition is dismissed.

Sd/-  
**(Thottathil B. Radhakrishnan)**  
**Chief Justice**

Sd/-  
**(Sharad Kumar Gupta)**  
**Judge**