

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2985 of 2017**

Ku. Reena Gain D/o Shri Milan Chand Gain, Aged About 23 Years R/o
L I G 133, Sector-2, Shankar Nagar Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh.
2. Directorate Of Ayurveda, Yoga & Naturopathy, Unani Siddha And Homeopathy (A Y U S H), Government Of Chhattisgarh, Old Nurshing Hostel, Raipur District Raipur Chhattisgarh.
3. Chhattisgarh Professional Examination Board, Through The Controller, Naya Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Jitendra Pali, Advocate
For State	: Shri UNS Deo, Government Advocate
For Respondent No. 3	: Sourabh Pandey, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****06/11/2017**

1. This matter taken up on today motion, it having been mentioned by the learned counsel for the petitioner. We have heard the petitioner's counsel as well as the learned Government Advocate and the learned counsel appearing for the Professional Examination Board.
2. At the first blush this may appear to be a case which has resulted in serious heartburn to the petitioner who aspires to join for BAMS Course in the Ayurveda Colleges in Chhattisgarh. The fact

of the matters remains that in her application, she entered the word 'No' in the column which required the mentioning of domicile status. Hence, she was not treated as a person domicile of the State of Chhattisgarh by the Entrance Examination Board. That was carried forward resulting in her being deprived of eligibility for being considered as a Chhattisgarh State quota candidate in the merit quota or to the management quota. The last date for counseling is today for the State quota. From tomorrow, the counselling will be for the 'Other States' quota. Petitioner cannot obviously aspire for that. We see that the petitioner a girl student born in Raipur in the State of Chhattisgarh had a meritorious status in the school education and may be in the entrance examination. However, we are unable to weigh that in her favour to out weigh the disturbance that would occur to the settled seats position, going by the cut off dates which mandatorily apply. Therefore, we leave open the authority of the Chhattisgarh Professional Examination Board to permit requisite rectification, if possible, regarding the management quota and reject the writ petition on all other grounds. We are also unable to give any clear direction to the said Board as of now because of the time factor since the list for the management quota is to be finalized today itself. Hence, leaving open the authority of respondent No. 3 as noted above, this writ petition is disposed off refusing relief.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge