

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17259 of 2018

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Aakriti Singh, D/o Alok Kumar Singh, Resident of Village-35/547 Club Road,
Near Devi Mandir, Ramna Mithanpura, P.S.-Mithanpura, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health,
Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. Bihar Combined Entrance Competitive Examination Board through its
Examination Controller, I.A.S. Association Near Airport, Patna.
4. The Examination Controller, Bihar Combined Entrance Competitive
Examination Board, I.A.S. Association Near Airport, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar Mr. Ojaswee Kumar
For the Respondent/s	:	Mr. Ajay Behari Sinha, GA-8 Ms. Kalpana, AC to GA-8
For the BCECEB	:	Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-08-2018 Heard learned counsel for the parties.

2. The petitioner seeks a direction to the Bihar Combined Entrance Competitive Examination Board (hereinafter referred to as 'the BCECEB') to allow her to participate in the mop up round of counselling which is said to have commenced from 26th of this month, for admission in MBBS course for academic year 2018-19. The counselling is being held by the BCECEB based on NEET-2018.

3. It is the claim of the petitioner that her ranking for admission based on Under Graduate Medical Admission Counselling (UGMAC-2018) is 6049 and based on the said merit position, she could not have been allotted any seat in



Government Medical Colleges in the first and second rounds of counselling. It is her case, however, that for the mop-up round of counselling, she had applied *online* and she has answered in affirmative in response to questions in the online application form as to whether she wanted to participate in the mop-up counselling and take admission in private Medical/Dental Colleges of Bihar. In support of her claim, Annexure-4 has been brought on record. However, her roll number did not figure in the notice issued by the BCECEB for mop up counselling for admission in MBBS/BDS course in private Medical/Dental Colleges of Bihar. She asserts that when she did not find her roll number in the notice which contains roll numbers of several candidates lower in merit, she approached the Examination Controller of the BCECEB by making a representation.

4. Mr. Vikas Kumar, learned counsel appearing on behalf of the petitioner, has submitted that she was told by the BCECEB that her answers to the queries as to whether she wanted participate in mop-up counselling and to take admission in private Medical/Dental Colleges of Bihar, were found to be negative and, therefore, she was not invited for counselling. Mr. Kumar further submits that despite her answer being affirmative to the aforesaid query in the *online* application form, there could



have been no question of her answer being negative. She, however, downloaded her *online* filled-up form from the *website* of the BCECEB, from which it appeared to the petitioner that against the said query 'no' is present despite the fact that she had typed 'yes'.

5. It is contended that it has wrongly been mentioned in her *online* application that she had answered in negative to all three queries as to whether she wanted to participate in the mop up round of counselling, take admission in private Medical/Dental Colleges of Bihar.

6. In essence, the petitioner is contradicting the information available on the *website* of the BCECEB in respect of petitioner's *online* application.

7. The nature of dispute which is being raised on behalf of the petitioner, cannot be adjudicated upon by this Court in a proceeding under Article 226 of the Constitution of India. Her remedy may lie somewhere else but not before this Court.

8. I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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