

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8141 of 2018

=====

Dr. Manish Kumar @ Manish Kumar, Son of Sri Kapildeo Singh @ Kapil Dev Yadav, Resident of Village- Esahchak, P.O.- Aira, P.S.- Sakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board (B.C.E.C.E. Board), Near IAS Association Building, Near Patna Airport, Patna-14.
3. Officer of Special Duty, Post Graduate Medical Admission Counseling (PGMAC), (B.C.E.C.E), 2018, Near IAS Association Building, Near Patna Airport, Patna-14.
4. Medical Council of India through its Chairman/Director, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi.
5. National Board of Examination (The National Eligibility-cum-Entrance Test, 2018 (NEET (P.G) 2018), through its Chairman-cum-Authorized Officer, New Delhi.
6. The Union of India through Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
7. Anupama Kumari, Daughter of Kameshwar Yadav, At Serial No. 2942 at Merit list of NEET PG 2018, Resident of not known to the petitioner.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. Rajeev Ranjan, Advocate
For the State	: Mr. Ajay Behari Sinha, G.A.-8 Mr. Neeraj Raj, A.C. to G.A.-8
For MCI	: Mr. Kumar Brijnandan, Advocate Mr. Tarees Hameed, Advocate
For Respondents 2 & 3	: Mr. Prasoon Sinha, Advocate
For Respondent No.7	: Mr. L.B. Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 08-05-2018

Heard learned counsel for the parties.

2. The petitioner seeks direction to the respondents to allot M.D. in Radio Diagnosis seat on the basis of his NEET-PG ranking.



He alleges that respondent no.7 is at sl.no.2942 of the merit list of NEET-PG-2018 whereas the petitioner figures at 2594. He asserts that despite the fact that he was willing to opt M.D. Radio Diagnosis seat in the counseling held by Bihar Combined Entrance Competitive Examination Board, ignoring his claim, respondent no.7 has been allowed the said seat.

3. A counter affidavit has been filed on behalf of the B.C.E.C.E.B stating therein that allotment of seats had been made to the deserving candidates on the spot, during the counseling on merit and choice basis, for admission to Post Medical Course, available in various colleges of the State of Bihar and there is no provision, as asserted by the petitioner, for sending subject choice in advance by a candidate. The petitioner's 'check-slip' presented by him on 14.4.2018 at the time of counseling before B.C.E.C.E.B. has been brought on record by way of annexure to the counter affidavit from which it appears that the petitioner had opted for general medicine in P.M.C.H., Patna, which has been allotted to him and the petitioner has already taken admission.

4. There is no material on record to convince this Court that the petitioner was willing to opt for M.D. Radio Diagnosis which was denied deliberately by the respondent B.C.E.C.E.B. I find no merit in this application. The petition is accordingly dismissed.



5. It is, however, made clear that if the petitioner is eligible to participate in the second round of counseling tentatively to be held on 10.5.2018, this order shall not prejudice his case in any manner.

(Chakradhari Sharan Singh, J)

N.H./-R.S.Sen

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-05-2018
Transmission Date	

