

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2302 of 2018

1. Ku. Ayushi Sahu D/o Dharmendra Kumar Sahu Aged About 17 Years Through Natural Guardian Father Dharmendra Kumar Sahu Aged About 48 Years, R/o B - 124 Rama Green City Khamtarai Bilaspur Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Director, Directorate Medical Education Chhattisgarh, Dau Kalyan Singh Bhawan Chhattisgarh, District Raipur Chhattisgarh.
2. Chhattisgarh State Medical Board Directorate Medical Education , Chhattisgarh, Dau Kalyan Singh Bhawan Chhattisgarh District Raipur Chhattisgarh.
3. Medical Council Of India , Through The President Of India, Pocket 14 Sector 8 Dwarka Bhawan Phase - 1 New Delhi - 110077

---- Respondent

For Petitioner	Shri N.K. Malviya, Advocate
For Respondent/State	Shri U.N.S. Deo, Govt. Advocate
For Respondent No.3	Shri R.S. Marhas, Advocate

Hon'ble Shri Justice Ajay Kumar Tripathi, CJ
Hon'ble Shri Justice Prashant Kumar Mishra

Judgment on Board

Per Ajay Kumar Tripathi, CJ.

10/08/2018

1. Writ petition is dismissed for the simple reason that this Court cannot sit in appeal over the opinion of the State Medical Board with regard to the degree of disability, which the petitioner is facing related to Cerebral palsy.
2. Against the opinion of the State Medical Board that the disability is less than 40%, petitioner has obtained some other

certification from some other forum or authority. We have no mechanism to either accept or disbelieve one technical report against the other.

3. It is also noticed that in terms of the requirement of the advertisement and the Rule, the certification of the State Medical Board is mandatory and therefore, the Court will have to go by the opinion of the State Medical Board and not any other medical opinion from whichever authority it may have been issued.
4. Resultantly, the writ petition is dismissed, since we cannot allow admission in MBBS course under disability quota contrary to the medical certification of the competent Board.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri