

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2574 of 2018**

- Sachin Dwivedi S/o Shri Krishna Murari Aged About 30 Years R/o Vikash Vihar, Near Om Hospital, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department Of Medical Education (Ayush), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.).
2. State of Chhattisgarh Through Secretary, Department of General Administration, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
3. Director, Ayush Chikitsa Evam Shiksha Paddati, Raipur Chhattisgarh.
4. Principal, Government Ayurved Mahavidyalaya, G.E. Road, Raipur (C.G.).

---- Respondents

For Appellant	:	Ms. Renu Kochar and Shri Gyan Prakash Dandekar, Advocates
For Respondents/State	:	Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per, Ajay Kumar Tripathi, Chief Justice****17.09.2018**

1. Writ application was filed by the Petitioner raising the grievance that the advertisement issued by Respondent No.4, Principal of Government Ayurved Mahavidyalaya does not talk of any reservation for any physically handicapped category, for admission in various courses.
2. So far as the present Petitioner is concerned, he is interested in taking admission in M.S. Ayurved or M.D. Ayurved for the year 2018-19.
3. The stand of the State in their return is that absence of such details in the advertisement in no manner takes away the obligation created under the Central legislation of providing reservation for physically handicapped category. They accept that people falling under the said category are given being reservation and admission, but such reservation is horizontal reservation not vertical reservation.

4. In addition to that stand is also taken on behalf of the Respondents/State that as per the Chhattisgarh Ayurved Snatakottar Pathyakram (Ayurved Vachaspati M.D. Ayurved / Dhanvantri – M.S.) Pravesh Niyam, 2013, notified by the State of Chhattisgarh, minimum of 50% marks is required to be obtained in the AIA-PGET examination since he belongs to the unreserved category. However, the present petitioner could secure only 18.69% of marks which in no manner makes him eligible or entitles for consideration for admission to the course.
5. An effort was made on behalf of the counsel for the Petitioner as if a different kind of eligibility is required to be provided for physically disabled persons, which is not supported by any law or rule invoked and it cannot be so keeping in mind the nature of reservation which is provided for them i.e. horizontal reservation.
6. It is one of those writ applications where a hue and cry was raised without the necessary foundation of fact or law being in place to beget advantage of admission in the course in the University. Since the allegation of non provision of reservation is not made out nor does the Petitioner qualifies to be granted benefit of admission because of his performance in AIA-PGET examination, the writ application is misplaced.
7. Writ has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge