

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 396 of 2019**

- Rajiv Lochan Ayurveda Medical College Run By 'Yuva Utthan Samiti' Through The Secretary, 'Yuva Utthan Samiti' Shantikunj, Plot No. 41, Behind Kalibadi Mandir, Katulboard Road Sindhia Nagar, Durg, District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary To the Govt. Of Chhattisgarh, Department Of Health And Family Welfare Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, Chhattisgarh
2. The Director Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homoeopathy (AYUSH), Raipur, Chhattisgarh
3. Union Of India Through The Secretary, Ministry Of Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homeopathy (AYUSH) Ayush Bhawan, B-Block, G.P.O. Complex I.N.A.- New Delhi, PS New Delhi – 110 023

---- Respondent

For Petitioner	Mr. Anurag Dayal Shrivastava, Advocate
For Respondent /State	Mr. Sanjay Agrawal, Government Advocate
For Respondent/UOI	Mr. Bhupendra Singh, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****5/2/2019**

1. Heard.
2. The petitioner-College has preferred this writ petition seeking permission to participate in the counselling for admission to one vacant seat for the course of BAMS for the Academic Session

2018-19.

3. The above relief has been prayed on the foundation that in WPC No.133/2019 (**Shri Jug Mahadev Education Society Vs. Union of India and others**), decided on 21.1.2019, this Court has directed the State Government to arrange counselling for admitting 40 more students (total 100 students) for undergraduate BAMS course for Academic Session 2018-19 from the NEET qualified students in accordance with merit. Therefore, since the said counselling is being conducted today, there is no difficulty in allowing the petitioner-college to participate in it. It is also submitted that in the matter of **Shri Jug Mahadev Education Society (supra)**, the State Government has recorded its consent for arranging counselling without there being any extension of date of admission by the Central Government.

4. Learned counsel for the State would submit that the case of **Shri Jug Mahadev Education Society (supra)** is distinguishable from the case of the petitioner-college, inasmuch as, in **Shri Jug Mahadev Education Society (supra)**, the earlier petition i.e. WPC No.3045 of 2018 preferred by them was allowed on 14.11.2018, permitting the said college to admit 40 more students in addition to the earlier quota of 60 seats. The said order in favour of **Shri Jug Mahadev Education Society (supra)** was passed on the basis of several other orders passed by different High Courts, wherein also, the State Government has agreed consent, but in the present case, the petitioner-college

was already allowed to participate in the counselling for the full quota of seats, for which, the petitioner-college is recognized. Therefore, the petitioner having exhausted its entire quota by participating in the earlier counselling, cannot be permitted to admit one more student merely because after the first admission, one candidate has left the college.

5. The submission raised by learned counsel for the State appears to be correct for the simple reason that the present is not a case where the petitioner did not participate in the earlier round of counselling for the entire seats and any seat was left over in the earlier counselling.
6. Once having exhausted its right to participate in the counselling for the full quota, the petitioner-college cannot be permitted to participate in the counselling once again for the same seat, which was already filled in the previous round of counselling.
7. No case for interference in the present petition is made out. The writ petition deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna