

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 1584 of 2019**

1. Dr. Tilak Raj Gajendra S/o Shri R. P. Gajendra Aged About 30 Years Posted as Medical Officer, Komal Dev District-Hospital, Kanker, District-Kanker, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare And Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
2. Directorate Of Medical Education Through The Director Of Medical Education, Old Nurses Hostel DKS Bhawan Parisar, Raipur, Chhattisgarh.
3. Charmin Counseling Committee, Directorate Of Medical Education, Old Nurses Hostel, DKS Bhawan Parisar, Raipur, Chhattisgarh.
4. Dr. Vinay Kumar Singh Through The Directorate Of Medical Education, Old Nurses Hostel, DKS Bhawan Parisar, Raipur, Chhattisgarh.
5. Dr. Smriti Pooja Lall Through The Directorate Of Medical Education, Old Nurses Hostel, DKS Bhawan Parisar, Raipur, Chhattisgarh.

---- Respondent

For Petitioner

Shri Amrito Das, Advocate

For Respondent/State

Ms Fouzia Mirza, Addl. Adv. General

Hon'ble Shri P.R. Ramachandra Menon, CJ**Hon'ble Shri Prashant Kumar Mishra, J****Order On Board****By****Prashant Kumar Mishra, J.**

09/05/2019

1. Despite the petitioner being placed higher in the merit list, seat for the discipline of M.D. (Medicine) could not be allotted to him for the reason that the petitioner did not get himself registered for the second round of counseling when the said registration was opened from 12-4-2019 to 20-4-2019.
2. For admission to the Post Graduation Degree and Diploma course for 2019 session the first round of counselling took place on 29.03.2019 and thereafter, notice for second round of counselling was published on 11.04.2019 opening the registration from 12.04.2019 to 20.04.2019. In the said notice number of vacant seats, category wise, was mentioned with two footnotes informing the candidates that after the first round counselling the number of seats in the Medical Colleges, Raipur & Bilaspur , are subject to change and that the seats reverted to the State quota, after the second round of counselling of the All India quota seats, shall be included in accordance with the reservation roster.
3. Referring to note No.2 learned counsel for the petitioner would submit that All India Quota seats reverted to the State quota was required to be included in the mop-up round, but

the same was included in the second round of counselling, therefore, there being illegality in the procedure adopted for allotting of seats, the impugned proceedings deserved to be quashed.

4. We are not convinced with the submission raised by the learned counsel for the petitioner inasmuch as both the notes appended to the notice for second round of counselling are to be read conjointly and not in isolation.
5. When the candidates were put to notice of the fact that there may be change in number of seats after the All India quota seats would revert to the State quota, after the second round of counselling of All India quota seats, it was for the petitioner to have registered himself and participated in the second round of counselling. For his non-participation, the petitioner has to curse himself. The respondents having mentioned the relevant aspect in the notice, the mistake does not lie on the part of the respondents.
6. It is rightly put forth by learned counsel for the State that inclusion of vacant seats reverted from All India quota to the State quota was required to be made after the second round of counselling of All India quota seats and not after the second round counselling of State quota.

7. At this stage, learned counsel for the State would submit that the petitioner would still get the opportunity to register himself to participate in the mop-up round, in accordance with the admission rules, which is conducted in an off-line mode and if seat of his choice is available the petitioner may avail the opportunity to get himself admitted in accordance with his merit position.
8. We have recorded the submission made by the learned counsel for the State, however, for the present no relief can be allowed in petitioner's favour in the present writ petition.
9. Accordingly, the writ petition is dismissed.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri