

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 2368 of 2019

- Ranjan Gupta S/o Rajan Gupta Aged About 17 Years R/o Kashyap Colony, Gali No. 4, Old Bus Stand, Bilaspur District Bilaspur Chhattisgarh, Through Father Rajan Gupta, S/o Nandlal Prasad Gupta, Aged About 51 Years, R/o Kashyap Colony, Gali No. 4, Old Bus Stand, Bilaspur District Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary , Medical Education Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Raipur Chhattisgarh.
2. The Director, Medical Education, old Nurses Hostel, D. K. S. Bhavan Premises, Raipur Chhattisgarh.
3. The Collector, North Bastar District North Bastar Chhattisgarh
4. The Sub Divisional Magistrate, Kanker District North Bastar Chhattisgarh.
5. The Tahsildar, Kanker District North Bastar Chhattisgarh.

---- **Respondents**

For Petitioner : Dr. N. K. Shukla, Senior Advocate with Shri Arjit Tiwari,
Advocate
For Respondents-State : Shri Gagan Tiwari, Deputy Government Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per P. R. Ramachandra Menon, Chief Justice

12.07.2019

1. The grievance of the Petitioner is mainly with regard to the denial of admission in the MBBS Course even under the unreserved segment despite the provisional allotment granted as per Annexure P/7 produced along with I.A. No. 02 of 2019 dated 10.07.2019 for accepting additional documents.
2. Heard the learned senior counsel for the Petitioner as well as the learned counsel representing the State / other respondents.

3. The learned senior counsel for the Petitioner points out that the Petitioner had also put forth his claim for the benefit of being a member of the OBC, but according to the Respondents, the requisite documents were not produced on time, by virtue of which he was not liable to be considered in that category. Even if the Petitioner cannot be considered as a member of the OBC for granting admission, by virtue of his merit rating, he has been awarded provisional allotment in the General/Unreserved Category as borne by Annexure P/7, which is now sought to be cancelled and hence the writ petition.
4. When the matter came up for consideration on the last posting date, a full text of the relevant rules was sought to be produced. The learned counsel representing the State has produced the same. Specific reference is made to Rule 7 (i) and Rule 11 of the *Chhattisgarh Chikitsa, Dant Chikitsa avam Bhautik Chikitsa (Physiotherapy) Snatak Pravesh Niyam, 2018* in support of the contentions raised on the part of the State.
5. Going by the said Rules and the submission made across the Bar, we are of the view that the State / respondents are justified in asserting that the Petitioner, having failed to produce the relevant documents to substantiate the caste status of being a member of the OBC, is not entitled to stake the claim in the said segment. At the same time, we also find force in the submission made on part of the Petitioner to the effect that, this will not oust the Petitioner's claim in the 'unreserved segment', he having scored the rank of '50' in entire State, as disclosed from Annexure P/7.

6. The learned counsel representing the State submits that, if the Petitioner is to be considered in the 'unreserved segment', under no circumstance can he claim any benefit of being a member of the OBC (after securing admission) and has to satisfy a bond for a sum of Rs. 25 lacs to be realized in case he relinquished the seat. The said fact was brought to the notice of the Petitioner during the course of counselling, but he did not turn up and sought to rush to this Court by filing the writ petition.
7. The learned senior counsel for the Petitioner submits that the Petitioner relinquishes all the claim put forth as a member of the OBC and that he will be satisfied to get admission treating him as a general candidate, based on his merit. The learned counsel representing the State submits in the said circumstances, that if the Petitioner furnishes a 'bond' for the requisite amount forthwith, the Petitioner can participate in the next round of counselling and allotment will be made on the basis of availability of the seats in the colleges concerned.
8. The submission made learned senior counsel for the Petitioner that the Petitioner will appear before the 2nd Respondent with a bond to the requisite extent, to the satisfaction of the authorities, is recorded. The Respondents are directed to give effect to the undertaking given the learned counsel representing the State/Respondents. No further issue remains for adjudication.
9. The writ petition stands disposed off.

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

Sd/-
(Parth Prateem Sahu)
Judge