

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2918 of 2019**

Pradeep Pal S/o Shri Shyam Bhadur Pal Aged About 24 Years R/o 42/422,  
Ashok Nagar Sarkanda Bilaspur, District- Bilaspur, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District- Raipur, Chhattisgarh.
2. Director Department Of Medical Education Indiravati Bhawan, Directorate, Atal Nagar, Nava Raipur, District- Raipur, Chhattisgarh.

**---- Respondents**


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|----------------------|--------------------------------------------------|
| For Petitioner       | : Shri KPS Gandhi, Advocate                      |
| For Respondent/State | : Shri Vikram Sharma, Deputy Government Advocate |

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**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice****Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****P. R. Ramachandra Menon, Chief Justice****27.08.2019**

1. The Petitioner is an aspirant to join for 2019 Graduate Course conducted in Government and Private Physiotherapy College of Chhattisgarh State (BPT), having completed the basis studies and participated in the NEET (UG) Examination-2019. The 2<sup>nd</sup> Respondent herein invited applications from candidates, who are desirous to join the said course, subject to satisfaction of the qualifications, which field was thrown open to submit applications from 19.08.2019 to 27.08.2019 (11.59 pm). It is stated that the Petitioner attempted to apply for the said course, but he could not get an entry in making online application, as the message displayed on the

screen was that **“Record not found, please check your details or eligibility”**. This made the Petitioner to approach this Court by filing the writ petition, with the following prayers :

“10.1 Hon'ble Court be pleased to call for the entire record from the respondent authority.

10.2 Hon'ble Court may kindly be pleased to issue appropriate writ in the nature of mandamus directing the respondent authorities to consider the claim of the petitioners for online registration for (BPT) of 2019 Session.

10.3 Hon'ble Court may kindly be pleased to Direct respondent authority to take appropriate steps for consider the application number of petitioner in the web side [www.cgdme.co.in](http://www.cgdme.co.in).

10.4 Any other relief which may Hon'ble Court think fit in the circumstances.”

2. Learned counsel for the Petitioner submits that the Petitioner participated in the NEET (UG) Examination-2019 as borne by the admit card (Annexure P/1) and the score card of the Petitioner is produced along with the said document, which shows that the Petitioner has bagged only '55' marks out of 720 marks, with a percentile score of 14.7489819. The All India Quota Rank of the Petitioner is '1202390' in the 'Unreserved Segment', whereas the category rank is '441878'.
3. The case of the Petitioner is that, as per the notification issued by the Respondents herein, a copy of which has been produced as Annexure P/2 dated 14.08.2019, no minimum qualifying mark has been prescribed for the NEET and hence, the Petitioner is also entitled to apply and obtain a seat for 2019 Graduate Course conducted in the Government or Private

Physiotherapy College of Chhattisgarh State (BPT). Since the Petitioner could not make an application in the online exercise, a screen-shot showing that the “Record not found, please check your details or eligibility” has been produced as Annexure P/3. Interference of this Court is sought for, to direct the 2<sup>nd</sup> Respondent to consider the candidature of the Petitioner.

4. The learned counsel representing the State submits that the idea and understanding of the Petitioner is wrong and misconceived and that the information furnished/displayed, a copy of which has been produced as screen-shot at Annexure P/3, is not by virtue of any contribution or involvement of the Respondents herein. The role of the 2<sup>nd</sup> Respondent-DME is very limited and only on the basis of inputs made available by the authorities who conducted test i.e. National Testing Agency, that the credentials of the candidates would be analysed and admission would be given based on the said exercise. If for any reason, the Petitioner is not permitted to proceed with further steps in making the online application, based on his NEET score, or if the credentials of the Petitioner have been marked out or not revealed in the site, it is for the Petitioner to move the authorities concerned, who conducted the National Test. It is pointed out that the National Testing Agency has not been impleaded in the party array and as such, the relief sought for by the Petitioner is not liable to be entertained, submits the learned counsel.
5. The last date and time to make the application is by 11.59 pm today. In the said circumstance, insofar as no lapse on the part of the Respondents is substantiated, we are of the view that the relief sought for by giving

direction to the Respondents is not liable to be entertained. At the same time, we make it clear that this will not bar the way of the Petitioner in moving the competent authorities and if he succeeds in getting an entry by making an application before the 2<sup>nd</sup> Respondent within the specified time, his candidature shall be considered by the Respondents strictly on the basis of the merit amongst the eligible candidates.

6. The writ petition stands dismissed, with the above observation.

Sd/-

**(P.R. Ramachandra Menon)**  
**Chief Justice**

Sd/-

**(Parth Prateem Sahu)**  
**Judge**

Anu