

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPC No. 2330 of 2020**

- Mahendra Kumar Kashyap S/o Shri Narmada Prasad Kashyap R/o Behind Sharda Dham, near Minj Niwas, Namnaala, Post-Ambikapur District Surguja, Chhattisgarh Pin 497001
- Sushant Pradhan S/o Shri Achyutanand Pradhan R/o Gram Baidpali, post Bonda, Tahsil Saraipali, District Mahasamund Chhattisgarh

-----Petitioners**VERSUS**

1. State of Chhattisgarh Through the Secretary Department of Health and Family Welfare Mahanadi Bhawan, New mantralaya, New Raipur District Raipur Chhattisgarh
2. State of Chhattisgarh through its Secretary Directorate of Medical Education Old Nurses Hospital, DKS Bhawan Parisar, District Raipur Chhattisgarh
3. Medical Council of India through its Secretary Pocket-14, Sector-8 Dwarka Phase-1 New Delhi 110077
4. Shankara Institute of Medical Sciences, Junwani, Bhilai District Durg Chhattisgarh 492001
5. Chandulal Chandrakar Memorial Medical College, Kachandur Kurud Road District Durg, Chhattisgarh 492001 through its Director
6. Raipur Institute of Medical Sciences Bhansoj Road, NH-6, Raipur, Chhattisgarh 492006 through its Director
7. Director General of Health Services through its Director F-17, Arjun Gali, Karkadooma, Anand Vihar, New Delhi 110032

-----Respondents

For Petitioners	: Mr. Om Kukreja, Advocate
For Respondent 3	: Mr. R.S. Marhas, Advocate.
For Respondent 4	: Mr. Siddharth Rathod, Advocate
For Respondent-State	: Mr. Siddharth Dubey, Dy. G.A.

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

Order on Board**Per P.R. Ramachandra Menon, C.J.****25/11/2020**

1. The petitioners, who are aspirants to secure admission in the MBBS courses in the State have challenged Rule 3B and 3C of the Chhattisgarh Chikitsa, Dant Chikitsa Evam Bhautik Chikitsa Snatak Pravesh Niyam 2018. Prayers are as given below:

“10.1 That, this Hon'ble Court may kindly be pleased to hold and declare that Rule 3B and Rule 3C of the Chhattisgarh Chikitsa, Dant Chikitsa evam Bhautik Chikitsa Snatak Pravesh Niyam 2018 is unconstitutional as the same is violative of Article 14 of the Constitution of India; and

10.2 That, this Hon'ble Court may kindly be pleased to direct the Respondent to strictly apply the requirement of domicile/ permanent residence while making admission in MBBS Courses in private medical colleges in the state of Chhattisgarh; and

10.3 That this Hon'ble Court may kindly be pleased to direct the Respondent to transfer the vacant seats in the NRI Quota to both Management and State Quota in the private Medical Colleges in the State of Chhattisgarh; and

10.4 Any other relief or relief(s) which this hon'ble Court may deem fit and proper in view of the facts and circumstances of the case, may also kindly be granted.”

2. When the matter is taken up for consideration, the learned counsel for the petitioners submits that by virtue of the subsequent developments, the matter has virtually become infructuous with regard to the actual relief sought for by the petitioners for getting admission in the MBBS Course. However, the issue with regard to the challenge raised against the Rules still exists, submits the learned counsel.
3. In the said circumstances, we find it appropriate to dismiss the writ petition as having become infructuous, leaving the question with regard to challenge raised against the Rules open. It is ordered accordingly.
4. Writ petition stands dismissed as infructuous.

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

Sd/-
(Parth Prateem Sahu)
 Judge