

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 2267 of 2020**

- Piyush Sahu, S/o Shri Poshanlal Sahu, aged about 20 years, Presently pursuing MBBS, 2<sup>nd</sup> Professional Course at Late Shri L.A.M. Govt. Medical College, Raigarh, R/o Village Malpurikala, Post Obeland, District Durg (C.G.)

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

1. State of Chhattisgarh, Through The Secretary, Health & Family Welfare and Medical Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur (C.G.)
2. Director of Medical Education, D.K.S. Bhawan Parisar, Old Nurses Hostel, Raipur, District Raipur (C.G.)
3. Dean Pt. Jawaharlal Nehru Medical College, Raipur, District Raipur (C.G.)
4. Dean, Late Shri L.A.M. Govt. Medical College, Raigarh, District Raigarh (C.G.)
5. Registrar, Pandit Deendayal Upadhyaya Memorial Health Sciences and Ayush University of Chhattisgarh, Raipur, District Raipur (C.G.)
6. National Medical Commission, Through Its Secretary General, Ministry of Health and Family Welfare, Government of India, C/o Pocket-14, Sector-8, Dwarka, Phase-1, New Delhi.

**---- Respondents**


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| For Petitioner                    | : | Ms. Naushina Afrin Ali, Advocate.                                                            |
| For Respondents No. 1 to 4/State: | : | Shri S.C. Verma, Advocate General with<br>Shri Vikram Sharma, Deputy Government<br>Advocate. |
| For Respondent No. 5              | : | Shri Ajay Kumar Dwivedi, Advocate.                                                           |
| For Respondent No. 6              | : | Shri Ranbir Singh Marhas, Advocate.                                                          |

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**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice****Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****12.10.2020**

1. The Petitioner has moved this Court with the following prayers:

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioners.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the Respondent No. 2 to consider the case of the petitioner for Admission by Migration/transfer in the 2<sup>nd</sup> Professional MBBS Course, to Pt. Jawaharlal Nehru Medical College Raipur, from Govt. Medical College Raigarh as per Regulation 1997 of the MCI.

10.3 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the Respondent No. 1 and 2 to issue appropriate orders for Admission by Migration/transfer of the petitioner from Govt. Medical College Raigarh to Pt. Jawaharlal Nehru Medical College Raipur on the basis of NOC granted by Respondent No. 3 within a specified time frame, in view of orders passed by this Hon'ble Court in WP(C) No. 917/2020, WP(C) 1644/2020 and WP(C) No. 1130/2020.

10.4 Any other relief/reliefs which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be granted."

2. Shri Vikram Sharma, the learned Deputy Government Advocate appearing for the Respondent submits that this matter is not similar to the matter finalized by this Court as per Annexure P/8. The learned counsel also submits that the Petitioner was informed as per letter dated 03.10.2020 to make the application in the proper form; adding that the Petitioner has not obtained 'NOC' from both the Educational Institutions concerned; which is a pre-requisite to prefer the application.
3. When the matter came up for consideration before this Court on 05.10.2020; the following order was passed:

"Shri Vikram Sharma, the learned Deputy Government Advocate appearing on behalf of the State submits that no 'NOC' is issued in favour of the Petitioner by the Respondent. He submits that as per the rules for migration, the student is required to obtain 'NOC' from the College and University in which he is pursuing the studies and also the 'NO' from the College and University where he wants admission. He also submits that the Petitioner is not eligible to move an application before Respondent No. 2 until and unless the requirement of rules are fulfilled by the Petitioner.

Ms. Naushina Afrin Ali, the learned counsel appearing for the Petitioner sought for a short time to brought all the necessary facts on record.

Ms. Naushina Afrin Ali, the learned counsel appearing for the Petitioner submits that she has filed an I.A. No. 1 of 2020, application for amendment in the cause title of the petition.

On due consideration I.A. No. 1 of 2020 is allowed.

The Petitioner is directed to make necessary amendment in the cause title.

List this matter on 12.10.2020.”

4. Today, when the matter is taken for further consideration, Ms. Naushina Afrin Ali, the learned counsel appearing for the Petitioner submits that in view of the stand taken by the Respondent/State, the Petitioner wants to produce some more documents to support the case. The learned counsel for the Petitioner submits that the Petitioner might be permitted to withdraw the matter without prejudice to rights and liberties to file a proper one, incorporating the pleadings and prayers in a better manner.
5. Permission is granted.
6. The writ petition is dismissed as withdrawn.

Sd/-

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

Sd/-

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