

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.132 of 2021

Umashankar Banjare S/o Pawan Kumar Banjare Aged About 21 Years
R/o Village- Lalpur, Police Station- Lalpur, Distt.- Mungeli (C.G.), District :
Mungeli, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, General Administration
Department, Ministry, Mahanadi Bhawan, New Raipur, District- Raipur
(C.G.)
2. Directorate Of Medical Education Through Its Secretary, Old Nurses
Hostel, D.K.S. Bhawan Premises Raipur, District- Raipur (C.G.)
3. Vice President Counseling Committee, Directorate Of Medical Education
Chhattisgarh, District- Raipur (C.G.)

---- **Respondents**

For Petitioner	:	Mr. Soomitra Kesharwani, Advocate appears under instructions from Mr. Awadh Tripathi, Advocate
For State	:	Mr. Vikram Sharma, Deputy Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

15/01/2021

Heard.

1. Learned counsel for the petitioner submits that this petition has been filed by the petitioner seeking direction for consideration of his candidature for admission to MBBS course as reserved category (scheduled caste).
2. Learned counsel for the petitioner would submit that even at the time when the petitioner had appeared in the NEET examination, the petitioner had declared his status as scheduled caste which is clear from the admit card issued to him by the National Testing Agency for appearance in the NEET exam of 2020. However, when the petitioner applied for counseling, the list of eligible candidates for EWS category included the name of the petitioner but the name of the petitioner was not included in the list of meritorious candidate belonging to scheduled caste. According to the petitioner, he is possessed of caste verification certificate issued in his favour by the State Level High Power Scrutiny Committee and therefore, as also issued by the Sub-Divisional Officer, therefore, there could not be any doubt or dispute with regard to the status of the petitioner as a reserved category candidate. Finally, when the petitioner found

that his case is not being considered as reserved category, he has filed this petition.

3. Learned counsel for the State would submit that the process of counselling began in the month of November, 2020 itself and the first counselling has held on 15.11.2020. The petitioner had come to know that he has not been included in the list of scheduled caste as reserved category but only in EWS category. Upon instructions, he would submit that he has been informed by the authority that the petitioner had submitted application claiming status of EWS category only therefore, on the basis of declaration given by the petitioner he was kept in EWS category. After 15.11.2020 also the petitioner did not prefer any representation nor filed any petition. However, at this stage when the admission is going to be closed today, the petitioner may not be granted any relief.

4. The instant petition has been filed by the petitioner assailing action of the respondents in not treating him as a reserved category candidate. The petitioner however has not placed on record the copy of the online application for registration of counselling submitted by him. Moreover, we find that the counselling had started on 15.11.2020 and the petitioner had also come to know about the same because he had filed the list of meritorious candidate for EWS category. Even thereafter the petitioner did not raise any objection nor filed any representation before any authority nor filed petition before this Court.

5. The petitioner has filed this petition on 4th of January, 2021. The petition was not listed as there were certain defaults. A mention was made on 14th of January, 2021 for listing and that is how the matter has come up before this Court today when the admission are closing on 15th of January, 2021, it being the last date.

6. In these circumstances, at this fag end of the admission process, we find ourselves unable to grant any relief because the matter will require adjudication after giving the State time to file reply and it cannot be done today itself. Therefore, at this stage, no admission can be granted after 15th of January, 2021. The petition is therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge