

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****WPC No. 144 of 2021**

- Reeja Ajim, daughter of Shri Ajim Ahmad, aged about 19 years, resident of Farid Nagar, Ward No. 8, Supela Bhilai, District Durg, Chhattisgarh  
-----Petitioner

**VERSUS**

1. State of Chhattisgarh through Directorate of Medical Education through Director, Old Nurses Hostel Building, D.K.S. Bhavan Parisar, Raipur, District Raipur C.G.
2. Dean, Chhattisgarh Institute of Medical Sciences (CIMS), Sadar Bazar Road Dabripara Sardar Vallabh Bhai Patel Hospital, Bilaspur Chhattisgarh 459001
3. Dean Government Dental College Raipur, Rajbandha Meidan Path Raipur, District Raipur, Chhattisgarh
4. National Medical Commission, through its Chairperson, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi 110077, India.

-----Respondents

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|-----------------------|-----------------------------------------|
| For Petitioner        | : Mr. Sushobhit Singh, Advocate         |
| For Respondent -State | : Mr. Vikram Sharma, Dy. Govt. Advocate |
| For Respondent 4      | : Mr. R.S. Marhas, Advocate             |

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**Hon'ble Shri P.R. Ramachandra Menon, Chief Justice****Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per Parth Prateem Sahu, J.****22/01/2021**

1. Petitioner by this writ petition has challenged the action on the part of Respondent-authorities in denying admission of petitioner in Rungta College of Dental Science and Research, Bhilai, District Durg, Chhattisgarh. Petitioner passed her class-12<sup>th</sup> examination in the year 2019 and being an aspirant for admission to the Medical courses for which she participated in National Eligibility cum Entrance Test (NEET) examination which was held in the year 2020. After declaration of results, she secured 251 marks. Upon declaration of dates of online counselling process from 07.11.2020 up till 12.11.2020, petitioner submitted her online

application for counselling process along with entire documents as per rules. She, along with application for online counselling, has also made an application to the authority that she could not obtain her domicile certificate due to Diwali vacation and Covid-19 pandemic situation to which she will submit during the time of physical verification of documents. She has been given provisional allotment letter and a seat was allotted to her at Rungta College of Dental Science and Research, Bhilai, in the course of Bachelor of Dental Science (BDS). Date of physical verification and admission has been fixed on 22.12.2020 and 23.12.2020. Petitioner appeared on the scheduled dates for physical verification of documents and admission along with domicile certificate issued to her on much later the scheduled date of registration for online counselling. At the time of verification of documents, she was denied to get admission referring to Rule 7 of *Chhattisgarh Chikitsa, Dant Chikitsa evam Bhautik Chikitsa Snatak Pravesh Niyam, 2018* (for short "Admission Rules, 2018"). This made the petitioner to approach this Court by filing this writ petition with the following reliefs:

"10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent no. 2 to grant admission to the petitioner in the college allotted to her by respondent no. 1.

10.2 To kindly grant any other relief which may be deem fit in the given facts and circumstances of the instant case."

2. Mr. Sushobhit Singh, learned counsel for the petitioner submits that the petitioner, her father and forefathers are residents of erstwhile State Madhya Pradesh & Chhattisgarh, birth of petitioner took place on 19.03.2001 at Farid Nagar, Kohka, Bhilai, District Durg, Chhattisgarh, she prosecuted her studies in the State of Chhattisgarh itself but due to Diwali holidays and continuous Covid-19 pandemic situation since March, 2020,

even after her best efforts, she could not able to get her domicile certificate issued by the competent authority of the State. He further contended that the petitioner undisputedly is resident of State of Chhattisgarh, hence, on technical reason she could not be deprived of benefit of admission in the medical course of Dental Science at college which has been already allotted to her by respondent-authorities. Petitioner, on her merit, is eligible to get admission in the Dental course will lose her one year of her career. He submits that taking into consideration overall facts and circumstances of the case, a direction may be issued to Respondents for providing her admission in the college allotted to her provisionally by Directorate of Medical Education, Chhattisgarh. He further contended that the petitioner has already deposited requisite fee of Rs. 1 Lac in this regard.

3. Mr. Vikram Sharma, learned Deputy Government Advocate representing the State submits that the State has framed Admission Rules, 2018, mentioning the requirements to be fulfilled by the aspirant of medical courses. As per Rule 7 of Admission Rules, 2018, there is specific mentioned of requirement that the aspirants are required to upload all the relevant documents on or before the last date of registration for participating in online counselling. Further there is specific mention with regard to documents which are obtained after the last date of registration will not be considered and as per the case of petitioner herself, she has not obtained domicile certificate prior to the late date of registration for counselling but had obtained only on 16.12.2020 as per Annexure P-10. Petitioner could not have granted admission in the college allotted to her provisionally contrary to the Admission Rules, 2018. Respondent-Dean Government Dental College, Raipur has not erred in any manner in refusing to grant admission to the petitioner. He also pointed out that

merely getting a provisional allotment of medical college will not entitle the petitioner, in any manner, to get admission in the allotted college. In the provisional allotment letter itself, it is clearly mentioned that the allotment is subject to scrutiny of original documents under the column of important instructions.

4. Mr. R.S. Marhas, learned counsel for Respondent 4 submits that in the medical colleges and dental colleges, allotments are to be given strictly in accordance with the Rules framed by the State Government in this regard.
5. We have heard learned counsel for the parties and also perused the record with utmost circumspection.
6. From the case projected by the learned counsel for the petitioner itself it is clear that the petitioner participated in the NEET examination, secured 251 marks. At the time of getting herself registered for counselling process, she was not having her domicile certificate issued by competent authority of State of Chhattisgarh. At the time of registration for counselling, petitioner made an application that she be permitted to submit domicile certificate at the time of physical verification of documents and Respondent-authorities have generously accepted the request of the petitioner and allotted provisional allotment letter for admission at Rungta College of Dental Science and Research Bhilai. Admissions in the medical colleges or dental colleges are governed by the Admission Rules, 2018. Rule 7(iii) of the said Rules, which is relevant for the facts of the case, is extracted below for ready reference.-

“7. काउंसिलिंग प्रक्रिया -

(i) x x x x

(ii) x x x x

(iii) ऑनलाइन काउंसिलिंग में पंजीयन हेतु निर्धारित अंतिम तिथि तक उपरोक्तानुसार उल्लेखित मूल दस्तावेज अपलोड नहीं किये जाने पर अभ्यर्थी काउंसिलिंग प्रक्रिया हेतु अपात्र होगा। पंजीयन की अंतिम तिथि के पश्चात् जारी किये हुए मूल दस्तावेज मान्य नहीं होंगे। उक्त तिथि तक प्रमाण पत्र प्राप्त कर अपलोड किये जाने का दायित्व पूर्ण रूपेण अभ्यर्थी का होगा।”

7. From perusal of above Rule, it is specifically clear that it is the liability of student/ petitioner herself to get all the relevant certificates and documents to be uploaded on or before the last date of registration of counselling on which aspirant is claiming right. Further, it is been clarified that any document which has been obtained after the last date of registration for counselling will not be considered. The Rule is very clear that if any document(s) is obtained after the last date of registration for counselling then this document shall not be considered for admission at the time of physical verification of the documents.
8. In the case at hand, undisputedly, the petitioner has not uploaded the domicile certificate along with other documents at the time of her registration for counselling, hence, the petitioner has not fulfilled the requirements of Admission Rules, 2018. Respondent-Dean Government Dental College, Raipur, in our considered view, has not committed any error in refusing to grant admission to the petitioner in the allotted medical college, more so when, there is specific mention in the provisional allotment letter, the validity of allotment of college is subject to scrutiny of original testimonials and certificates. As the petitioner did not have the domicile certificate of Chhattisgarh Government on the date of registration of counselling, petitioner could not claim right to be admitted under the State quota which is only for the residents of State of Chhattisgarh who are having their domicile certificate as per the Rule 7(iii) of the Admission

Rules, 2018.

9. For the foregoing reasons, we do not find any merit in this petition which is liable to be and is hereby dismissed accordingly. No order as to cost(s).

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

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan