

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 191 of 2021

Raipur Institute Of Medical Sciences (A Unit Of Lord Buddha Education Society) Office At Bhansoj Raoad, NH-6, Village Godhi Raipur, District Raipur, Chhattisgarh, Through Its Authorized Signatory, Krishna Kumar Vadhwa S/o Shri M.R. Vadhwa , Aged About 55 Years R/o Rims Campus Bhansoj Road, HH-6, Vilalge Godhi Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, New Mantralaya, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Director, Medical Education, Old Nurses Hospital Dks Bhawn Parisar , Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. National Medical Commission Through Its Secretary, Pocket No. 14, Sector 8, Dwarka, New Delhi-110077, District : New Delhi, Delhi

---- Respondents

For Petitioner	:	Shri Kshitij Sharma, Advocate
For Res. No. 1 & 2 State	:	Shri Vikram Sharma, Dy. Govt. Advocate
For Respondent No.3	:	Ms. Anubhuti Marhas, Advocate

D.B. :Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

14/01/2021

Heard on admission.

1. The petitioner's grievance, as ventilated through this petition, is that in the petitioner's institution, one seat in NRI quota remained vacant till 5th January 2021 and by that time, no NRI quota candidate was sponsored by respondent No.2. As per applicable Rules and the decision of the Supreme Court in the case of **Dar-Us-Slam Educational Trust and Ors. Vs.**

Medical Council of India & Ors. [Writ Petition (S) (Civil) No. 267 of 2017], the admission to NRI quota is to be concluded ten days before the last date of admission.

2. Submission of learned counsel for the petitioner is that as no candidate was sponsored for admission against one vacant NRI quota within the time stipulated, no admission could now be granted against NRI quota and the seat is liable to be converted into general seat as per the conversion rules applicable. However, the respondent No.2 has sponsored one NRI quota student vide order dated 11.1.2021 (Annexure P-3) allotting seat of NRI to one Palak Pankaj Mundhada, who has sent e-mail (Annexure P-4) that she is not willing to take admission and that she had not opted for particular choice in the mop-up round. A representation has been submitted by the petitioner on 12.1.2021, but, no decision has been taken on the said representation.
3. Learned counsel for the State submits that though there is no quarrel with the applicable rules, the factual submission made in the petition required verification and due consideration.
4. Since the admission are closing on 15.1.2021 i.e. tomorrow, and in view of specific prayer made by learned counsel for the petitioner that respondent be directed to consider petitioner's representation at the earliest, we consider it appropriate to direct respondent No.2 to decide petitioner's representation, if possible, today itself. The petitioner's representative shall report before respondent No.2 today itself in the afternoon.
5. Considering the urgency of the matter, web copy of the order shall be acted upon without insisting on the certified copy of the order.
6. This petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge