

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2589 of 2021

1. Charvi Shah D/o Shri Dakshesh R. Shah Aged About 19 Years R/o 1st Floor, Parshva Vardhman Building Govind Nagar, Opposite Pandri Bus Stand, Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Health And Family Welfare And Medical Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur District Raipur Chhattisgarh.
2. Director Of Medical Education D.K.S. Bhawan Parisar, Old Nurses Hostel, Raipur, District Raipur Chhattisgarh.
3. Dean Pt. Jawaharlal Nehru Medical College, Raipur, District Raipur Chhattisgarh.
4. Dean BRLSABVM Government Medical College, Rajnandgaon District Rajnandgaon Chhattisgarh.
5. Registrar Pandit Deendayal Upadhyaya Memorial Health Sciences And AYUSH University Of Chhattisgarh Raipur, District Raipur Chhattisgarh.
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

For Petitioner :	Ms Naushina Ali, Advocate
For Respondent /State :	Shri Vikram Sharma, Dy. Govt. Adv.
For Respondent No.5 :	Shri Ajay Dwivedi, Advocate
For Respondent No.6 :	Shri Ranbir Singh Marhas, Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Smt. Rajani Dubey. J.

Order On Board

By

Prashant Kumar Mishra, Ag. CJ.

07-07-2021

1. Petitioner is a second year MBBS student in the Bharat Ratna Late Shri Atal Bihari Vajpayee Memorial Medical College Rajnandgaon (henceforth 'the GMC, Rajnandgaon'). She is seeking migration from the said college to the Pt. Jawahar Lal Nehru Memorial Medical College, Raipur (henceforth 'the GMC, Raipur') under Regulation 6 of the Medical Council of India Regulations on Graduate Medical Education, 1997 (henceforth 'the Regulations').
2. According to the petitioner she has successfully completed the 1st Professional MBBS course conducted by the respondent No.5 Pt. Deendayal Upadhyay Memorial Health Sciences And AYUSH University Of Chhattisgarh Raipur (henceforth 'the University'), therefore, as per Regulation 6 of the Regulations she is entitled to migrate from one Medical College to another and hence she has submitted the application within the stipulated time i.e. within one month of declaration of the result of the 1st Professional MBBS Course.
3. The petitioner contends that she is suffering from Bronchial Asthma and is under continuous medical treatment at Raipur, therefore, since the GMC, Rajnanandgaon and GMC, Raipur, are both recognised Medical Colleges, there is no legal impediment in seeking migration. The petitioner further contends that the relieving college as well as the joining

college have issued NOC (No Objection Certificate) for such migration.

4. The fact of issuance of NOC by both the Colleges has not been disputed in the return filed by the respondent/State. In course of hearing, Shri Vikram Sharma, learned Dy. Govt. Advocate appearing for the State, would fairly submit that the application for migration submitted by the petitioner from the GMC, Rajnandgaon to GMC, Raipur, shall be processed in accordance with law.
5. Relying on the judgment rendered by the Supreme Court in *Fraz Naseem and Others v Union of India and Others* {(2016) 13 SCC 521} different Benches of this Court, including Coordinate Benches, have disposed of similar writ petitions bearing WPC Nos.917 of 2020, 1130 of 2020, 1644 of 2020, 2498 of 2020 and 2508 of 2020 and directed for consideration of their respective cases for migration from one recognised college to other recognised college under Regulation 6 of the Regulations, 1997.
6. In view of the above and considering the statement made by the learned State counsel, the writ petition is disposed of directing the competent authority to pass necessary orders allowing migration to the petitioner from the GMC, Rajnandgaon to GMC, Raipur, within a period of two weeks from the date of receipt of certified copy of this order.
7. There shall be no order as to cost(s).

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge

Gowri