

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4800 of 2021

1. S.D. Chiranjivi Sahu S/o Shri Duleshwar Kumar Sahu Aged About 22 Years Village - Borai, Dhamtari District - Dhamtari Chhattisgarh
2. Ashish Patel S/o R.K. Patel Aged About 22 Years Village - Libra, Block - Tamnar District - Raigarh Chhattisgarh
3. Akshay Kumar Lambadi S/o Shri L.Gopal Aged About 24 Years House No - 110, Lohar Para Gotaiguda, Bhopalpatnam District - Bijapur Chhattisgarh
4. Rahul Dhuri S/o Shri S.K. Dhuri Aged About 25 Years Near Yamini Medical Store Kisan Para, Chatidih, Bilaspur District - Bilaspur Chhattisgarh
5. Nisha Porte D/o Shri C. Porte Daura - Balrampur Aged About 23 Years District Balrampur Chhattisgarh
6. Ku. Kusum Maravi D/o Shri D.L. Maravi Aged About 22 Years Village - Chandrapur District - Janjgir - Champa Chhattisgarh
7. Ku. Reema Gain D/o M.C. Gain Aged About 24 Years Lig - 133, Sector - 2 Shankar Nagar, Raipur District - Raipur Chhattisgarh
8. Sumit Verma S/o P.L. Verma Aged About 23 Years Village - Bhimbhoura District - Bemetara Chhattisgarh
9. Dibyendra Khamhari S/o Shri M.P. Khamhari Aged About 22 Years Village - Kusmura, Raigarh District - Raigarh Chhattisgarh
10. Nilesch Kumar Paikara S/o Shri S.S. Paikara Aged About 23 Years Village - Pondibachara, Korea District - Korea Chhattisgarh
11. Jyoti Kiran Kujur D/o Shri James Kujur Aged About 26 Years 62/3, Kansarpara, Sitapur District - Surguja Chhattisgarh
12. Deepak Pathare S/o Shri P. Pathare Shyama Prasad Mukharjee Aged About 25 Years Ward Ward-3, Tilda - Neora District - Raipur Chhattisgarh
13. Farhan Hakim Khan S/o Shri H.U. Khan Aged About 20 Years Ward No 7, Patra Para Dharamjaigarh, Raigarh District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
14. Deepesh Sharma S/o Shri R.C. Sharma Aged About 23 Years Advocate Colony, Surajpur District - Surajpur Chhattisgarh

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Versus

1. State Of Chhattisgarh Through - The Secretary To The Government Of Chhattisgarh Department Of Medical Education Mahanadi Bhawan, Atal Nagar - Police Station - Rakhi, Raipur Chhattisgarh
2. The Director, Directorate Of Medical Education, Old Nursing Hostel, Mantralaya Campus, Raipur District - Raipur - Chhattisgarh - 492001
3. Pt Deendayal Upadhyay Memorial Health Sciences And Ayush University Through - The Registrar Pt Deendayal Upadhyay Memorial Health Sciences And Ayush University District - Raipur Chhattisgarh
4. The Vice Chancellor Pt Deendayal Upadhyay Memorial Health Sciences And Ayush University, Ge Road - Raipur District - Raipur Chhattisgarh

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For Petitioners	:	Mr. Anurag Dayal Shrivastava, Advocate
For State	:	Mr. Rahul Jha, G.A.
For respondents No. 3 & 4	:	Mr. Ajay Dwivedi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.11.2021

1. Heard on petition.
2. It is submitted by the learned counsel for the petitioners that all the petitioners are the students of 'Bachelor of Ayurvedic Medicine and Surgery' course from different Ayurvedic And Medical Colleges which are affiliated to the respondent No. 3. It is submitted that because of the continuation of the pandemic situation and the circumstances present, the petitioners could not clear the examinations and the last examination was held in the month of August 2020. According to the Indian Medicine Central Council (Minimum Standards Of Education In Indian Medicine) Amendment Regulation 2016, the regulation in Clause 4(d) provides that the students who has failed in any of the four professional examinations in four chances, shall not be allowed to continue his/her studies. There is a proviso, that in case of serious illness of students and in case of any unavoidable circumstances, the Vice Chancellor of the concerned University may provide one more chance in any one of four professional examinations. It is on the basis of this proviso to clause 4 of the regulation, the petitioners have submitted their joint representation to the respondent No. 4 which has not been considered so far. It is further submitted that in a similar case, the University of Shri Krishna Ayush University Kurukshetra has allowed the students granting them one more chance to appear in the examination. Further, in WPC No.2918/2021, this Court by order dated 20.07.2021 granted interim relief to the petitioner who was a student, to appear in the examination on interim basis. Hence, it is prayed that the

respondents No. 3 and 4 may be directed to consider on the representation filed by the petitioners.

3. Learned State counsel representing respondents No. 1 & 2 makes formal objection.
4. Learned counsel for the respondents No. 3 & 4 opposes the submissions and submits that all the students have filed joint representation, whereas they may be having different causes for their being unsuccessful in the examinations they have taken. Therefore they are required to file separate representations along with the documents in support.
5. Considered on the submissions. Perused the documents present in the record of the petition. As it appears that the petitioners are the residents of different places and also they are the students of different colleges in the State and therefore the joint petition filed cannot be given consideration on individual basis. The petitioners are required to file representations separately on individual basis mentioning the reasons which they seek to be considered by the respondents No. 3 & 4 and also file the documents if any in support. This petition is disposed off at the motion stage. The petitioners are granted liberty to file individual representations before the respondents No. 3 & 4 within a period of 10 days. The respondents No. 3 & 4 are directed to consider on the same and take the decision at the earliest within a period of 15 days from the date of receipt of such representation.
6. With such observations/ directions, the petition stands disposed off.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge