

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P (C) No. 11743 of 2022**

***Sneha Dash***

.....

***Petitioners***

*Mr. D.P. Dash, Adv.*

Vs.

***State of Orissa and others***

.....

***Opposite Parties***

*Mr. S. Nayak, ASC (O.P.No.1,3 & 5)*

*Mr. S. Palit, Sr. Adv. (O.P. No.2)*

*Mr. P.K. Parhi, ASGI along with*

*Mr. B.K. Padhi (O.P. No.6)*

*Mr. D. Gochhayat, Central Government*

*Counsel (O.P. No.4)*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MISS JUSTICE SAVITRI RATHO**

**ORDER**

**20.05.2022**

**Order No.**

04.

This matter is taken up through hybrid mode.

2. Heard Mr. D.P. Dash, learned counsel for the petitioner; Mr. S. Nayak, learned Addl. Standing Counsel for opposite parties no.1, 3 and 5; Mr. S. Palit, learned Sr. Counsel appearing along with Mr. A. Mishra, learned counsel for opposite party no.2; Mr. D. Gochhayat, learned Central Government Counsel for opposite party no.4; and Mr. P.K. Parhi, learned ASGI appearing along with Mr. B.K. Padhi, learned Central Government Counsel for opposite party no.6.

3. The petitioner has filed this writ petition seeking direction to opposite parties no.1, 2, 3 and 5 to issue transfer certificate to her along with all necessary documents and certificates as required, and further seeks direction to opposite party no.4-MCC as well as opposite party no.6-AIIMS, Bibi Nagar to allow her to take admission into MBBS Course 2021 keeping in view the allotment of seat issued by MCC-opposite party no.4 in letter

dated 22.04.2022 under Annexure-4, within a stipulated time.

4. Mr. D.P. Dash, learned counsel for the petitioner contended that the petitioner, by following due process of selection conducted by opposite party no.2, admitted in MKCG, Medical College and Hospital, Berhampur and continuing his first year MBBS course. While she was so continuing, she was called upon to get admission into AIIMS under opposite party no.6, pursuant to selection conducted by opposite party no.4. But when she sought for grant of transfer certificate, the same has been denied by the authority. Therefore, she sought for extension of time for getting admission under opposite party no.6 and at that point of time, she approached this Court seeking the aforesaid relief.

5. Mr. S. Nayak, learned Addl. Standing Counsel contended that opposite party no.2 having selected the petitioner and the petitioner having been admitted into the course, in the event, transfer certificate is granted to her to prosecute her studies under the opposite party no.6, the State may lose one seat of State quota. Therefore, transfer certificate has not been issued in her favour and, as such, the petitioner was selected under AIIMS, Hyderabad at a belated stage. As the State does not want to lose its quota, transfer certificate has not been granted to the petitioner.

6. Mr. D. Gochhayat, learned Central Government Counsel appearing for opposite party no.4 contended that by following due procedure of selection since the petitioner has come under the zone of consideration, she was issued with letter of admission at AIIMS, Hyderabad, but she has not availed the same for the reason best known to her.

7. In compliance of the orders dated 10.05.2022 and 16.05.2022, Mr. P.K. Parhi, learned ASGI appearing along with

Mr. B.K. Padhi, learned Central Government Counsel for opposite party no.6 categorically stated that one seat at AIIMS, Hyderabad is still vacant. He filed an affidavit on 18.05.2022 wherein it has been specifically mentioned that there is vacancy of one MBBS seat after completion of the special stray vacancy round of counselling by the Medical Counselling Committee (MCC) and, as such, opposite party no.6 has no objection for her admission to MBBS (UG) Batch 2021-22 subject to fulfilling of guidelines/instructions for counselling and admission to MBBS courses issued by the Medical Counselling Committee (MCC).

8. Mr. S. Palit, learned Sr. Counsel appearing along with Mr. A. Mishra, learned counsel for opposite party no.2 contended that in the event the petitioner is released from the State quota from MKCG, Medical College and Hospital, Berhampur to take admission in AIIMS, Hyderabad, one seat may fall vacant. Therefore, that seat may be directed to be filled up from the common pool of OJEE, otherwise that seat will remain vacant and, as such, it will cause loss to the State.

9. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner has already taken admission in MKCG, Medical College and Hospital, Berhampur and is prosecuting her studies and while she was so continuing there, she was selected by opposite party no.4 to get admission under opposite party no.6. But due to some reason or other, the transfer certificate has not been issued by opposite parties no.1, 3 and 5 causing great dislocation to the studies of the petitioner to prosecute under opposite party no.6. Therefore, she approached this Court by filing the present writ petition and while entertaining this writ petition, when query was made by this Court

on 10.05.2022 and 16.05.2022, it was candidly admitted that one seat is lying vacant at AIIMS, Hyderabad and, as such, the same can be availed by the petitioner in the event she satisfies the requirement of admission as per the norms fixed by opposite party no.4.

10. In the above view of the matter, in the interest of justice, equity and fairplay, this Court disposes of this writ petition directing opposite parties no.1, 3 and 5 to issue transfer certificate to the petitioner along with all relevant documents enabling her to join under opposite party no.6 against one vacant seat of MBBS (UG) for the session 2021-22, as opposite party no.6 has no objection to get her admission in the institution. Needless to say, in the event the seat of the petitioner is fallen vacant at MKCG, Medical College and Hospital, Berhampur, the said seat shall be filled up by opposite party no.2 by following due procedure so that neither the State nor the Centre lose any seat in the interest of justice. The entire exercise shall be completed within a period of 15 days from the date of production of certified copy of this order.

11. Issue urgent certified copy of this order in course of the day, as per rules.

**(DR. B.R. SARANGI)**  
**JUDGE**

**(SAVITRI RATHO)**  
**JUDGE**