

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.35172 of 2022

Puja Marndi

.....

Petitioner

Mr. A.K. Pandey, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

*Mr. P.P. Mohanty, AGA
(O.Ps.1 & 4)*

*Mr. S. Palit, Sr. Advocate
(O.Ps.2 & 3)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

20.12.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Pandey, learned counsel appearing for the petitioner; Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties and Mr. S. Palit, learned Senior Counsel appearing for opposite parties no.2 & 3.

3. The petitioner has filed this writ petition seeking direction to opposite party no.1 to allot a seat at SCB Medical College & Hospital, Cuttack under the STNO category of the Home State quota, in place of opposite party no.5, and further to declare the allotment of seat to opposite party no.5 in the SCB Medical College & Hospital, Cuttack under STNO category of the Home State quota as illegal.

4. Mr. A.K. Pandey, learned counsel appearing for the petitioner contended that opposite party no.5 had exercised two options and got the benefit of admission to MBBS/BDS Course in SCB Medical College & Hospital, Cuttack under STNO category

of the Home State quota. It is further contended that though the petitioner has secured higher percentage of marks and is eligible to get admission in SCB Medical College & Hospital, Cuttack under STNO category under the Home State quota, but she has been allotted a seat at MKCG Medical College & Hospital for prosecuting her MBBS/BDS Course. Therefore, it is contended that had opposite party no.5 not exercised two options, the petitioner could have a fair chance to admit in the said Course in place of opposite party no.5 at SCB Medical college & Hospital, Cuttack under STNO category. Thereby, the petitioner has been deprived of prosecuting her study at SCB Medical college & Hospital, Cuttack.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties contended that in the meantime admission to MBBS/BDS Course has already been concluded and classes have already been started. Therefore, the relief sought by the petitioner challenging the allotment of seat to opposite party no.5 cannot be sustained in the eye of law.

6. Mr. S. Palit, learned Senior Counsel appearing for opposite parties no.2 & 3 contended that since the admission process to MBBS/BDS Course has been concluded by 30.11.2022 and classes have already been started, in the event of any change of seat, it will dislocate the entire process. Therefore, the relief sought by the petitioner is not permissible.

7. Considering the contentions raised by learned counsel appearing for the parties and after going through the records, it appears that opposite party no.5, by exercising two options, has got admission to MBBS/BDS Course at SCB Medical College & Hospital, Cuttack under STNO category. Consequentially, the petitioner has been deprived of getting admission at SCB Medical College & Hospital, Cuttack under STNO category. That itself

shows that there are some illegalities and irregularities in the process of admission to MBBS/BDS Course for the academic session 2022-23. But fact remains, admission process to MBBS/BDS Course for the academic session 2022-23 has already been concluded and the classes have already been started in the meantime. However, if any vacancy arose in future for any reason, then the petitioner shall be allotted a seat at SCB Medical College & Hospital, Cuttack to prosecute her study. Therefore, the petitioner is permitted to file a fresh representation within a period of two weeks from today ventilating her grievances before the authority. In the event, the petitioner files such representation, along with this order, the authority shall consider and pass appropriate order in accordance with law.

8. With the aforesaid observation and direction, the writ petition is disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE