



The relief claimed in this petition is to direct the respondents to declare such unfilled AIQ seats as having been lapsed on account of non-joining of selected/short-listed candidates after the 2<sup>nd</sup> round of counseling and publication of the final list dated 02.07.2020.

Admittedly, after the process of 2<sup>nd</sup> round of counseling was concluded and the final list was notified, the vacant seats have been transferred to State quota in terms of the decision of this Court in *Ashish Ranjan & Ors. Vs. Union of India & Ors. - (2016) 11 SCC 225* and these seats are required to be filled as per the principle set out therein.

In other words, all the vacant AIQ seats will have to be now treated as State Quota seats and dealt with accordingly.

We fail to understand, as to how, the relief as claimed by the petitioners before us can be countenanced contrary to the settled legal position. Moreover, it would be counterproductive to declare the unfilled seats having lapsed. For, the same are available for allotment to eligible candidate(s) against the State Quota seats.

In our opinion, the relief as claimed if granted will create confusion and in fact result in denial of

admission to eligible candidates against the transferred State Quota Seats. That will be counterproductive and also against the spirit of the concern expressed in the communication dated 02.07.2020 (Annexure P-18) sent by the Medical Council of India.

Suffice it to observe that substantive relief as claimed cannot be countenanced and for which reason further direction sought in terms of prayer Clause (c), also cannot be countenanced. Hence, this Writ Petition fails and the same is dismissed accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(BEENA JOLLY)  
BRANCH OFFICER