

GAHC010204912024



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/5274/2024**

AMINUL ISLAM AND 5 ORS  
S/O- MASTAFA GOLAM AHMED  
VILL- GUTIPARA PART VI  
P.O- BAGRIBARI  
P.S- BILASIPARA  
DIST- DHUBRI  
ASSAM

2: SHAHANAS BEGOM  
D/O- SHAHJAHAN ALI  
VILL- KARAIBIL  
P.O- BHAURIBHITA  
P.S- CHAYGAON  
DIST- KAMRUP  
ASSAM

3: YASIN ALI  
S/O- MOSTOFA AHMED  
VILL- SARUCHAA  
P.O- AKARABORI  
P.S- MOIRABARI  
DIST- MORIGAON  
ASSAM

4: BULBUL HUSSAIN  
S/O- BABUL MIAH  
VILL- THAKURAN BARI  
P.O AND P.S- MANKACHAR  
DIST- SOUTH SALMARA MANKACHAR  
ASSAM

5: ABULISE AL HASSAN  
S/O- SAIDUR RAHMAN  
VILL- KUKURMARA PART II

P.O -RADHAMADHAB HAT  
DIST- SOUTH SALMARA MANKACHAR  
ASSAM

6: HELMINA AKTAR  
D/O- KAMAL UDDIN  
VILLAND P.O- BALAZAN  
P.S- BAGHBAR  
DIST- BARPETA  
ASSAM  
VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE DEPARTMENT  
DISPUR  
GUWAHATI-6.

2:THE DIRECTOR OF MEDICAL EDUCATION  
ASSAM  
KHANAPARA  
SIX MILE  
GUWAHATI  
PIN-781022.

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Advocate for : MR. A H M R CHOUDHURY  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM AND ANR

**BEFORE**

**HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR**

**O R D E R**

**04.11.2024**

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. A.H.M.R. Choudhury, learned counsel for the petitioners.

**2.** All the petitioners are aspirants for taking admission in the MBBS/BDS course-2024. They participated in the NEET-2024 and have successfully qualified in the said examination. All the petitioners studied in the

Government Schools/Colleges and accordingly, they applied for the MBBS/BDS course for the Assam State quota under the 5% reservation for candidates who have studied in Government Schools/Colleges.

**3.** Thereafter, the Director of Medical Education, Assam on 29.08.2024, issued the provisional select list of candidates (Round-1) for Assam State quota, whose names have appeared in the Assam NEET-UG-2024. The name of the petitioner No.1 appeared at Serial No.1761 and he has been allocated against Tinsukia Medical College, Tinsukia. The name of the petitioner No.6 appeared at Serial No.1743 and he has been allocated in the Kokrajhar Medical College, Kokrajhar. The name of the petitioner No.2 appeared at Serial No.1747 and he has been allocated against Tinsukia Medical College, Tinsukia. The name of the petitioner No.3 appeared at Serial No.1363 and he has been allocated against Tezpur Medical College, Tezpur. The name of the petitioner No.4 appeared at Serial No.1519 and he has been allocated against Nagaon Medical College, Nagaon and the name of the petitioner No.5 appeared at Serial No.1398 against Nagaon Medical College, Nagaon.

**4.** The Director of Medical Education, Assam, issued an Admission Notice on 09.09.2024 indicating the candidates, who were found eligible for provisional admission under the 5% quota reserved for candidates, who studied in Assam Government Schools/Colleges for admission into MBBS/BDS course in the Government Medical and Dental Colleges of Assam for the Session-2024. In the said list, the Roll Numbers of the petitioners appeared. However, by an Educational Notice dated 01.10.2024, the Director of Medical Education, Assam, cancelled the Admission Notice dated 09.09.2024 for 5% quota reserved for candidates

who studied in Assam Government Schools/ Colleges. Being aggrieved, the petitioners approached this Court by way of the present writ petition.

**5.** During the pendency of this writ petition, the rescheduled second round of counselling started and accordingly, this Court by order dated 04.10.2024, permitted the petitioners to appear in the re-scheduled second round of counselling.

**6.** Learned senior counsel for the petitioners submits that on the basis of the rescheduled second round of counselling, the petitioner Nos.3 and 5 have already got admissions under the 5% quota reserved for candidates who studied in Assam Government Schools/Colleges and hence, the present writ petition survives only in respect of the petitioner Nos. 1, 2, 4 and 6.

**7.** Mr. B. Gogoi, learned Standing Counsel, Health Department, Assam submits that the Educational Notice dated 09.09.2024 was cancelled by the Educational Notice dated 01.10.2024 inasmuch as, there was violation of the Medical Colleges and Dental Colleges of Assam (Regulation of Admission in the First Year MBBS or BDS Course) (Amendment) Rules, 2024 (Rules of 2024 in short), particularly Rule 5.1(r). He also submits that all the MBBS/BDS seats under the Government institute quota have been filled up by suitable candidates through counselling. Learned Standing Counsel, Health Department, Assam also submits that after the third round of counselling into the MBBS/BDS Course under the Government institute quota under UR and EWS category, the cut off marks for MBBS under UR category is 564 and under the EWS category is 557 and the marks obtained by the petitioner Nos. 1, 2, 4 and 6 are below the cut off marks both under the UR and EWS quota under the 5% quota

reserved for candidates who have studied in Assam Government Schools/Colleges. He therefore, submits that as all the seats have been filled up, nothing survives in the present writ petition and the same requires to be dismissed.

**8.** After hearing the learned counsel for the parties and particularly recording the submissions made by the learned Standing Counsel, Health Department, Assam that all the seats have been filled up and the petitioner Nos. 1, 2, 4 and 6 do not come within the cut off marks for candidates who have studied in the Assam Government Schools/Colleges, both under the UR and EWS, this Court is of the considered opinion that no relief can be granted to the petitioners at this stage. Further, this Court has also taken into consideration that the first Admission Notice dated 09.09.2024 was cancelled as it was in violation of Rule 5.1(r) of the Rules of 2024. Therefore, this Court does not see any infirmity in the Educational Notice dated 01.10.2024, whereby the earlier Admission Notice dated 09.09.2024 was cancelled.

**9.** The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**