

GAHC010225582024



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

Case No. : WP(C)/5521/2024

PRATIMA DEVI
DAUGHTER OF SRI BHABANI POWREL,
RESIDENT OF VILLAGE CHANDAMARI GAON,
P.S.- HALEM, MOUZA- HALEM,
DISTRICT- BISWANATH, ASSAM,
PIN- 784170.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
HIGHER EDUCATION DEPARTMENT, ASSAM,
DISPUR, GUWAHATI-06.

2:THE SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
ASSAM
DISPUR
GUWAHATI-06.

4:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

5:THE DIRECTOR OF MEDICAL EDUCATION

ASSAM
SIX MILE
KHANAPARA
GUWAHATI- 781022.

6:THE NATIONAL MEDICAL COMMISSION
POCKET-14
SECTOR-8

DWARKA
PHASE-I
NEW DELHI- 110077

Advocate for the Petitioner : MR. N N B CHOUDHURY, MR. D SUTRADHAR,MR. A A
BARMAN,MR. N SARKAR

Advocate for the Respondent : SC, HIGHER EDU, SC, N M C,SC, HEALTH

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

O R D E R

29.10.2024

Heard Mr. N.N.B. Choudhury, learned counsel for the petitioner. Also heard Mr. S. Bhuyan, learned Standing Counsel, Higher Education Department, Assam, for the respondent Nos. 1, 3 & 4, Mr. B. Gogoi, learned Standing Counsel, Health Department, Assam, for the respondent Nos. 2 & 5 and Mr. D.K. Baidya, learned Standing Counsel, National Medical Council, for the respondent No.6.

2. The petitioner qualified in the National Eligibility-cum-Entrance Test for the year 2024 by securing 630 marks out of 720 marks. Accordingly, the petitioner participated in the first round of counselling and thereafter, she was admitted to the Lakhimpur Medical College, North Lakhimpur. While the petitioner was attending her classes in the Lakhimpur Medical

College, North Lakhimpur, she applied for up-gradation in the third round of counselling. However, while making her application, she inadvertently committed a mistake by entering the code of the college as '202' instead of '101'. Thereafter, she was allotted a seat in the Government Dental College, Dibrugarh.

3. It is the case of the petitioner that due to her inadvertent mistake in entering the wrong code number of the college, she has been allotted a seat in the Government Dental College, Dibrugarh and the same amounts to down-gradation. It is submitted that the mistake committed by the petitioner in entering the wrong code of the college as 202 instead of 101 was an inadvertent mistake and due to her mistake she may not be down-graded by allotting a seat in the Government Dental College, Dibrugarh. Further submission is made that the petitioner is willing to join back to the Lakhimpur Medical College, North Lakhimpur in terms of her allotment after her first round of counselling.

4. Mr. B. Gogoi, learned Standing Counsel, Health Department, Assam on instruction submits that the petitioner was provisionally admitted into the first year MBBS Course at Lakhimpur Medical College, North Lakhimpur as per her merit position and choice of institution for the session 2024 after the first round of counselling under unreserved category. Thereafter, the petitioner participated again in the third round of counselling for admission into the MBBS/BDS Courses, session 2024 for change of the college and she was selected in the BDS Course at the Government Dental College, Dibrugarh as per her merit position and choice of institution for the session 2024 as entered by her in the form. The learned Standing Counsel, Health Department, Assam also submits that in terms of the

notice published by the National Medical Commission dated 22.10.2024, those candidates who have already participated the counselling for MBBS/BDS Courses, session 2024 and joined up to third round of counselling, cannot participate in the stray vacancy round of counselling in the same session. He therefore, submits that the petitioner is not eligible for the stray vacancy round of counselling as she was already admitted in the MBBS Course at the Lakhimpur Medical College, North Lakhimpur. On instruction, Mr. B. Gogoi, learned Standing Counsel, Health Department, Assam also submits that in terms of the order passed by this Court on 25.10.2024, one seat in the MBBS Course at the Lakhimpur Medical College, North Lakhimpur is kept vacant.

5. Mr. B.D. Baidya, learned Standing Counsel, NMC, submits that the Director of Medical Education, Assam is the appropriate authority who would have a final decision in the present issue.

6. After considering the submissions made by the learned counsel for the petitioner as well as by the learned Standing Counsel, Health Department, Assam, this Court is of the considered view that the petitioner was allotted a seat in the Government Dental College, Dibrugarh in view of the wrong entry made by her with regard to the code of the College as 202 instead of 101. In fact, the intention of the petitioner was to go to a better Medical College instead of being down-graded to the Dental Medical College. The inadvertent mistake made by the petitioner cannot be held against her and particularly taking into consideration that as the respondents have already kept a seat vacant in the Lakhimpur Medical College, North Lakhimpur and further taking into consideration the submission of the learned counsel for the petitioner that the petitioner is

willing to go back to her earlier allotted seat i.e. the Lakhimpur Medical College, North Lakhimpur, this writ petition is disposed of directing the respondent authorities to permit the petitioner to join to her seat allotted in the Lakhimpur Medical College, North Lakhimpur and be permitted to pursue her course thereafter.

7. With the above observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant