

IN THE HIGH COURT OF TRIPURA
AGARTALA

W. P.(C) No.364 of 2015

Petitioner:

Miss Sohini Chakraborty,
D/o. Dr. Keshab Chakraborty,
Resident of Ganaraj Chowmuhani, near Sphulinga Club,
Banamalipur, P.O. Agartala, P.S. East Agartala,
District – West Tripura, PIN-799 001.

BY ADVOCATE:

Mr. P. Roy Barman, Advocate.
Mr. K. Nath, Advocate

– Versus –

Respondents:

01. Society for the Tripura Medical College and
Dr. BRAM Teaching Hospital,
Hapania, Agartala, District-West Tripura,
Pin-799 014, represented by the chief Executive Officer.
02. The Principal,
Tripura Medical College and Dr. BRAM Teaching Hospital,
Hapania, Agartala, District-West Tripura, Pin-799 014.
03. Chairman,
Tripura Medical College and Dr. BRAM Teaching Hospital,
Hapania, Agartala, District-West Tripura, Pin-799 014.
04. The Permanent Admission Committee,
(through the Chief Executive Officer, TMC & Dr. BRAM
Teaching Hospital),
Tripura Medical College and Dr. BRAM Teaching Hospital,
Hapania, Agartala, District-West Tripura, Pin-799 014.
05. The State of Tripura,
(To be represented by the Secretary to the Government of
Tripura, Health and Family Welfare Department, New Capital
Complex, Kunjaban, Agartala, West Tripura, Pin-799 006.
06. Medical Council of India,
To be represented by the Secretary, Medical Council of
India, Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi – 110 077, INDIA
07. Miss Cynthia Chakma,
D/o. Sri Proti Bindu Chakma,
Resident of Ujjan Abhoynagar,
Opposite to 'New Star Club',

P.O. Abhoynagar, Agartala,
District – West Tripura.

08. Miss Mourima Debbarma,
D/o. Kanu Debbarma,
Resident of Pragati Road, Krishnanagar,
Near Meher Kali Bari, Agartala,
P.O. Agartala, P.S. West Agartala,
District – West Tripura.

BY ADVOCATE:

Mr. T. D. Majumder, GA.

B-E-F-O-R-E

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR.JUSTICE S. TALAPATRA

Date of hearing and delivery : **07.09.2015**
of judgment and order

Whether it is fit for reporting :

YES	NO
	✓

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ)

The petitioner, by means of this writ petition, has prayed that she be also called for third counseling to be held on 9th September, 2015 in the Tripura Medical College and Dr. BRAM Teaching Hospital.

02. The undisputed facts are that there are 25 seats earmarked for Scheduled Tribe candidates in the Tripura Medical College and Dr. BRAM Teaching Hospital. It is not disputed that there are 13 eligible Scheduled Tribe candidates and 13 seats have been filled up. Two candidates, namely Miss Cynthia Chakma and Miss Mourima Debbarma, the respondent Nos.7 and 8, bearing Roll Nos.1001 and 1179 have no doubt passed the admission test but they have not cleared the qualifying test and had obtained compartment in the qualifying examination.

03. It is stated by Mr. T. D. Majumder, learned GA that till date there is no proof that they have even passed in the compartmental examination. However, these two candidates have also been called for third counseling. Since these two candidates have been called for third counseling on 9th September, 2015, in case these two candidates fail to produce any proof that they have passed the qualifying examination then no further opportunity shall be granted to them and their seats shall be treated to be vacated and shall be filled up from amongst the unreserved candidates as per the judgment of this Court in W.P.(C) No.244 of 2015 ***(Sri Pranay Kr. Podder Vs. The State of Tripura and others)*** along with W.P.(C) No.252 of 2015 ***(Sri Sagar Bhaumik Vs. The State of Tripura and others)***.

04. Out of the eight vacant seats from amongst the Scheduled Tribes candidates, two posts have still not been converted to UR categories. On 9th September, 2015 if these two candidates do not produce any proof of their having passed the qualifying examination, then these two seats will automatically be converted to the UR categories.

05. It is stated that at present there are only four seats vacant, two in the UR category and two which were earmarked for the candidates bearing Roll Nos.1001 and 1179 and if they do not appear then these two seats will also go to the UR category and there would be four seats in the UR category. In addition to these two candidates, eight candidates have been called for third counseling against the four seats at the most which may fall vacant.

06. The petitioner prays that she may also be called for the third counseling. All the eight candidates called for counseling have obtained 62% marks whereas the petitioner has obtained 61% marks. We cannot expand the scope at this stage and, therefore, the counseling may continue as proposed on 7th September, 2015. We would, however, like to give certain further directions. In case, after third counseling also, any seats remains vacant in the Tripura Domiciled Candidate Group, then the persons next in the merit list, shall be called for counseling. We also further direct that if the seats on all India basis are not filled in, then counseling for those shall be held as per order of the Supreme Court till 30th September, 2015 and if no candidates are available, then those seats shall also be offered to UR candidates after 30th September, 2015.

The writ petition is therefore disposed of.

JUDGE

CHIEF JUSTICE

MB