

09.09.2020
Supp-03
Ct.12
(S.R.)
via video
conference

W. P.A. No.7038 (W) of 2020
Anindita Jana & Ors.
v.
The State of West Bengal & Ors.
with
CAN 1 of 2020

Mr. Kallol Basu
Mr. Sabyasachi Chatterjee
Mr. Suman Banerjee
Mr. Pintu Karan
Mr. Akashdeep Mukherjee ... for the petitioners.

Mr. Abhratosh Mazumder, AAG ... for the State.

Mr. Y.J. Dastoor, Ld. ASG
Mr. Siddhartha Lahiri
... for the respondent nos.5 and 7.

In view of the express undertaking of the petitioner to comply with all formalities regarding filing including stamping and punching of the petition immediately upon resumption of normal court business and in view of the urgency involved, the application being CAN 1 of 2020 is allowed and the writ petition is taken up for hearing.

The present writ petition has been preferred primarily praying for the following relief:-

“b) A Writ of and/or the nature of Mandamus commanding the respondent authorities concerned and/or their men, servants, agents and/or assigns to forthwith make transport arrangements for the petitioners to participate in NEET-UG Examination on 13.09.2020 maintaining the Covid-19 protocols;”

Mr. Bose, learned advocate appearing for the petitioners submits that the petitioner no.1 is a resident of the district of Purba Medinipur and she has been assigned an examination centre at Kharagpur which is at

a distance of about 143 kilometers from her residence. The petitioner no.2 is a resident of the district of Murshidabad and she has been assigned an examination centre at Sister Nivedita University, which is at a distance of about 208 kilometers from her residence. In view thereof, it would be an impossibility for the petitioners to reach the examination centers upon travelling such long distance unless appropriate transport facility is provided by the State authorities.

As no one appeared on behalf of the State respondents, this Court requested Mr. Abhratosh Mazumder, learned Additional Advocate General to appear.

Heard Mr. Mazumder and Mr. Dastoor, learned Additional Solicitor General appearing on behalf of the respondent nos.5 and 7.

Records reveal that the prayer for postponement of the NEET-UG Examination has been refused by the Hon'ble Supreme Court by an order dated 17th August, 2020 and a review application filed thereafter by the State has also been dismissed on 4th September, 2020. The examination in question is scheduled to be held on 13th September, 2020.

The importance of conducting the examination cannot be emphasized enough. Almost equally important is the possession of means for reaching the examination centers. Thus, in view of the present unprecedented

situation which has been caused due to the Covid – 19 virus and as suburban and other scheduled trains are not in operation, it is expected that State authorities shall, upon empathetic consideration of the anxiety of the students, make a sincere endeavour to start bus services from early morning and to increase the frequency of buses to enable the students at large to reach their respective examination centers in time.

With the above observations, the writ application is disposed of.

Mr. Mazumder, in his usual fairness, submits that in the event a copy of the writ petition along with the admit cards and other documents as annexed are forwarded by *email* to the Law Officer of the Transport Department then appropriate instruction would also be given by the competent authority to the respective Regional Transport Authorities.

The petitioners are directed to immediately communicate all the documents to the Law Officer of the concerned Transport Department as well as to the Principal Secretary of the Transport Department along with a server copy of this order.

All the parties shall act on a server copy of this order.

(Tapabrata Chakraborty, J.)