

**Unlisted
AB & SDE 10.9.2020**

Through Video Conference

**M.A.T. 564 of 2020
Arising out of W.P.A. 7025 of 2020**

Jayatri Paul

Vs

The State of West Bengal & Others

Mr. Lokenath Chatterjee,
Mr. Sukanta Ghosh ...For the Petitioner.

Mr. Kishore Datta, Ld. AG,
Mr. Sayan Sinha ...For the State.

Mr. U. S. Menon ...For the N.T.A.

Mr. K. Bhattacharya ...For the Union of India.

Due to the urgency involved, this fresh writ appeal has been taken up for hearing as an “unlisted matter”.

The writ petitioner / appellant is a candidate for the National Eligibility–cum–Entrance Test (Under Graduate) (NEET-UG) scheduled to be held on 13th September, 2020. She approached the learned Single Judge by filing WPA 7025 of 2020 challenging a Memo dated 31st August, 2020 issued by the State Government declaring lockdowns, inter alia, on 11th and 12th September, 2020 in West Bengal.

Her contention before the learned Single Judge was that 13th September being the scheduled date of examination, having lockdown in the State on 11th and 12th of

September, 2020 would prevent her from reaching Siliguri where the examination is scheduled to be held from Raiganj, Uttar Dinajpur for attending the examination.

The learned Single Judge disposed of the writ petition by the order impugned before us. The operative portion of the order of the learned Single Judge reads as follows :-

“Court is not inclined to go into adjudication on merits of the case urged. Instead State is directed to provide decent accommodation of one room, to petitioner and her accompanying either parent, both of whom will travel on Thursday (10.9.2020), to reach Siliguri that day itself. The accommodation must be for them to be provided by State Government through Thursday (10.9.2020) till Monday (14.9.2020). State will inform particulars of accommodation, to be provided to petitioner’s learned advocate by tomorrow.”

Being aggrieved, the writ petitioner is before us.

We have heard learned Counsel for the appellant and learned Advocate General for the State as also Mr. Menon appearing for 10th respondent (NTA) and Mr. Bhattacharya for the Union of India.

We do not find any impropriety in the order under appeal. The learned Judge out of judicial grace has provided sufficient protection to the appellant. Learned Advocate General, in his usual fairness, submits that the portion of the order quoted above shall be carried out by the

State Government. In other words, due accommodation would be organized by the State Government for the appellant and her parents for the period mentioned in the impugned order.

We find no reason to interfere with the order under appeal. As directed by the learned Single Judge, the State will inform particulars of accommodation to be provided to the appellant's learned Advocate by today.

Since the learned Single Judge was not inclined to go into adjudication on merits as recorded by His Lordship, needless to say that all issues shall remain open for the writ petitioner to urge in any other case before any other forum at any other point of time.

The appeal is, accordingly, disposed of treating the same as on day's list.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)