

04.02.2021
Item No.D.L.406-411, 196
And S.L.1 to 10
Ct.15
CHC

W.P.A.768 of 2021

Santanu Mondal

Vs.

State of West Bengal & ors.

With

W.P.A.775 of 2021

Urbi Islam

Vs.

State of West Bengal & ors.

With

W.P.A.1353 of 2021

Ankit Gupta and Anr.

Vs.

State of West Bengal & ors.

With

W.P.A.1359 of 2021

Rishika Chatterjee

Vs.

State of West Bengal and others.

With

W.P.A.1362 of 2021

Ishita Roy

Vs.

State of West Bengal & ors.

With

W.P.A.1364 of 2021

Abhik Biswas

Vs.

State of West Bengal & ors.

With

W.P.A.2309 of 2021

Sri Abhishek Chandravanshi

Vs.

The State of West Bengal & ors.

With

W.P.A.1677 of 2021

Sattwadipan Sardar

Vs.

State of West Bengal and others

With

W.p.A.1681 of 2021

Shivam Singh

Vs.

State of West Bengal and others

With

W.P.A.1723 of 2021

Yasha Patel
 Vs.
 State of West Bengal and others
 With
 W.P.A.3845 of 2021
 Subhajit Saha
 Vs.
 The State of West Bengal & ors.
 With
 W.P.A.3849 of 2021
 Sulagna Hore
 Vs.
 The State of West Bengal & ors.
 With
 W.P.A.3851 of 2021
 Samima Sultana
 Vs.
 The State of West Bengal & ors.
 With
 W.P.A.3853 of 2021
 Rikta Mantri
 Vs.
 The State of West Bengal & ors.
 With
 W.P.A.3857 of 2021
 Kazi Zinedine Khair
 Vs.
 The State of West Bengal & ors.
 With
 W.P.A.3859 of 2021
 Avimanyu Roy
 Vs.
 The State of West Bengal & ors.
 With
 W.P.A.3862 of 2021
 Madhusruti Das
 Vs.
 The State of West Bengal & ors.

(Through Video Conference)

Mr. Subir Sanyal,
 Mr. Arif Ali,
 Mr. Sarban Bhattacharjee
 ...for the petitioner in
 W.P.A 768/21, WPA 775/21 and WPA 1359/21

Mr. Biswaroop Bhattacharya,
 Mr. Dipayan Kundu
 ...for the petitioner in
 WPA 768/21, WPA 3845/21, WPA 3849/21,
 WPA 3851/21, WPA 3853/21, WPA 3857/21,

WPA 3859/21, WPA 3862/21

Mr. Arif Ali,
Mr. Sarban Bhattacharjee
...for the petitioner in WPA 1677/21,
WPA 1681/21, WPA 1723/21

Mr. Samir Kumar Adhikari
...for the petitioner in WPA 2309/21

Mr. Jayanta Banerjee,
Mr. Raja Basu Chowdhury,
Mr. Ashis Kumar Chowdhury
...for the petitioners in WPA 1677/2021,
W.P.A.1681/21 and WPA 1723/21

Mr. Indranil Roy,
Mr. Sunit Kr. Roy
...for the National Medical Commission
in WPA 768/2021 and all the matters

Mr. Sirsanya Bandopadhyay,
Mr. Arka Nandi
...for the State in WPA 768/21,
WPA 775/21, WPA 1359/21

Mr. D. N. Maiti
...for WBUHS in WPA 768/21 to
WPA 1364/21

Mr. Swapan Kumar Dutta, Sr. Advocate & A.G.P.
Mr. Dipankar Dasgupta
...for the State in WPA 1362/21,
WPA 1364/21

Supplementary Affidavit filed in Court today be
kept on record.

Learned counsel appearing for the petitioners
submits that in view of Supreme Court's order in MA
No.133 of 2021 in W.P. (C) No.76 of 2015, the Hon'ble
Supreme Court has extended the time for admission in
Undergraduate M.B.B.S. Course for the academic
session 2020-21 for a period of one week and today is
the last date for such admission.

It is also specifically submitted that number of seats are lying vacant in Government as well as private Medical Colleges and the petitioners should be allowed to participate in Undergraduate MBBS counselling and admission.

Mr. Bandopadhyay, learned counsel appearing for the State categorically submits that no seats are lying vacant in Government as well as in the private Medical Colleges and no admission has taken place after 15th of January, 2020 i.e. the date fixed by the Hon'ble Supreme Court. It is further submitted that the State of West Bengal has not made any application before the Supreme Court for extension of time, as there were no vacant seats left in the State. On query from this Court regarding some vacant seats in Gouri Datta Institute of Medical Sciences and Hospital, Durgapur, Mr. Bandopadhyay, replies that an enquiry will be initiated against the said institute regarding the mal-practices made by such institute regarding admission.

Mr. Roy, learned counsel appearing for National Medical Commission refers to applications being M.A. No.133 of 2021 and M.A. No.146 of 2021 in Writ Petition being W.P. (C) 76/2015 and categorically submits that these applications are regarding vacant seats arising in Tamil Nadu and Karnataka and the extension of time by the Hon'ble Supreme Court is in relation to these two States. No application was made

by the State of West Bengal before the Hon'ble Supreme Court for extension of time in connection with admission in undergraduate M.B.B.S. Courses.

Heard all the parties.

The last date for Mop Up counselling and admission in the State of West Bengal was on 15th January, 2021. After that date, as there were no vacancy, no application was made by the State of West Bengal for extension of time for such admission. Thus, the prayer for counselling and admission in undergraduate M.B.B.S. Course does not arise at all and the writ petitions fail. However, I make it clear any admission in undergraduate M.B.B.S. Course in any of the colleges, both private and Government, if vacancy arises can only be done with the leave of this Court.

In view of the above, all the writ petitions mentioned above are disposed of.

However, there will be no order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)