

Ct. 05
Item No.18
06.05.2022
(suvendu)

WPA 7685 of 2022

**Nabab Shaikh
Vs.
The State of West Bengal & Ors.**

Mr. Kaushik Dey
Mr. Shuvasish Sengupta
Ms. Susrea Mitra
Mr. Soumyajit Mishra
.....for the petitioner

Mr. Surajit Mukhopadhyay
.....for the respondent no.9

Mr. D.N.Maity
Mr. Asumdipta Santra
.....for the respondent nos.4 & 8

Mr. Debonik Banerjee
Mr. Akash Ganguly
.....for the respondent no.5

Mr. Nilotpal Chatterjee
Mr. Amritlal Chatterjee
.....for the State

Mr. Indranil Roy
Mr. Sunit Kumar Roy
.....for the National Medical Commission

The petitioner is a NEET-UG aspirant and is aggrieved by not securing a seat in KPC Medical College and Hospital.

The grievance of the petitioner is two fold. First, that other candidates of lower ranks may have been selected for admission to the concerned College.

Second, the petitioner has lost out of the opportunity of getting a seat in another Medical College by reason of the Rule that a candidate being required to select only one Medical College at the stage of the “College Round” counselling.

Learned counsel appearing for the State and the concerned Medical College are present.

Since the writ petitioner has not made National Medical Commission a party to the writ petition, Mr. Indranil Roy, who is present in Court, is requested to assist the Court on behalf of the National Medical Commission who is the material respondent in this case being in charge of conducting the selection process.

Learned counsel appearing for KPC Medical College hands up a document showing the table of candidates selected and those who have not been considered for the seats.

Learned counsel appearing for the State submits that the petitioner was well aware of the requirement in the last stage of selection and also refers to the Rules by which the candidates must put in only one College before which the candidates intend to appear.

Mr. Roy, on behalf of the National Medical Commission, explains the stages of selection which a candidate has to undergo for securing a seat in a

Medical College for the MBBS course and the fact that it is impossible to allow a candidate to choose more than one Medical College in the final round and selection.

I have heard learned counsel appearing for the parties.

The grievance of the petitioner relates to the fifth round being the last round of counselling for the admission process to the MBBS course. The five rounds are as follows :-

- First Round: Counselling by online
- Second Round: Counselling by online
- Third Round: Mop Up Round
- Fourth Round: Stray Round
- Fifth Round: College Round

While the first four rounds are conducted online, the last round requires physical appearance of the students. The Corrigendum published by the Department of Health and Family Welfare on 25th April, 2022 states that the College Round of counselling shall be held on 27th and 28th April, 2022.

Admittedly, all candidates are informed of a time-frame within which the candidates are expected to appear before the particular College of choice for counselling.

The document handed up on behalf of KPC Medical College shows that the petitioner appeared with several other candidates on 27.04.2022 at 2.14 p.m. The remarks column shows that the petitioner was “NOT SELECTED”. The other three candidates who were selected by the said College also appeared at around the same time, i.e. from 1.23 p.m. – 2.35 p.m. The other three candidates admittedly secured better ranks than the petitioner. Hence, the first ground of grievance that the petitioner may have lost a seat to inferior candidates in the College of choice is belied from records and is accordingly rejected.

The second ground is that the petitioner, like other candidates, is required to select only one College which may lead to a situation where the petitioner having failed to secure a seat in the College of choice is also eliminated from the counselling in respect of other Colleges. Although this ground may be true in respect of the choices made available to the candidates, the practicalities of the situation cannot be lost sight of. The stage of the present dispute relates to the last and final stage of the counselling. The conducting authority has to administer a large number of seats in the Medical Colleges across the State. The time-frame is only two days within which the counselling process has to be completed. If a candidate is given a choice of more

than one College and each candidate runs to second, third and umpteen number of other Colleges after failing to secure seats in a successive number of Colleges, this could lead to a logistical chaos. It would be practically impossible, on all counts, for the authorities to come to any final decision with regard to filling up of the seats in the Medical Colleges. There would, in turn, be every possibility of the process continuing forever without any closure in sight. This surely cannot be the intended or even a beneficial result of any selection process where the last leg is left incomplete for an uncertain length of time. This would also be against the interest of the students who would be interested to start the MBBS course as soon as possible. This Court is unable to accept the second ground made out by the petitioner *albeit* without any documents to that effect and is hence not inclined to pass any orders in that regard.

WPA 7685 of 2022 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)