

14 29.11.2022

PA(SS)

WPA(P) 476 of 2022

With

CAN 1 of 2022

Subrata Mondal

Vs.

The State of West Bengal and Others

Mr. Raghunath Chakraborty,
Mr. Subhrangsu Panda,
Ms. Ira Bhattacharyya,
Mr. Mithu Singha Mahapatra, Advocates
... for the petitioner

Mr. Indranil Roy,
Mr. Sunit Kumar Roy, Advocates
... for National Medical Commission

Mr. U. S. Menon,
Mr. Abhirup Chakraborty, Advocates
... for respondent No. 5

Mr. Arka K. Nag, Advocate
... for the State

In this public interest petition, the petitioner has raised a plea that 85% of the seats of UG and PG seats (Medical and Dental) are filled up by the respective States under the state quota after the centralized examination. The petitioner is aggrieved with the introduction of proforma B domicile certificate which entitles certain candidates to participate in the counselling under the state quota seat. The objection is about the clause relating to proforma B in the notification dated 01.02.2022 which provides that Residential/Domicile Certificate to candidates NOT

residing in the State of West Bengal continuously for at least last 10 years as on 31.12.2020 but whose parents are permanent residents of West Bengal having their permanent home address within West Bengal and living continuously for at least last 10 years in West Bengal as on 31st December, 2020.

According to the petitioner this clause gives opportunity to the candidates not residing in the State of West Bengal to take the benefit of the state quota. Further plea of the petitioner is that the State of West Bengal does not publish any list either in the website or any newspaper giving the details of the candidates of domicile B.

In the petition, the prayer is to issue a direction the respondent authorities to publish the list of successful candidates of NEET, 2022 in the website and also set aside the proforma B and also to direct the State authorities to disclose and upload the details i.e. Epic Card details, Aadhar details and all other details of the candidates and application number, date of birth of the candidates as well as the parents of the candidates in the official website and alternatively a prayer for investigation by the CBI has been made.

Submission of learned Counsel for the petitioner is that uploading of above details is necessary. Candidates should be asked to disclose the title and

surname. It should be mentioned in the list of selected candidates and that proforma B is vague.

Learned Counsel appearing for the respondent No. 3 opposing the petition has submitted that there is no complaint by any student. It is not necessary for the candidates to disclose the title and surname and that now the counselling is almost over and 20th of December, 2022 is the last date of counselling, therefore, no change is permissible at this stage.

Learned Counsel for the State has also opposed the petition and has submitted that the petitioner is asking details of voter ID cards whereas till the age of 18 years no such card is issued. He has also referred to the definition of PILs given in the rules relating to PIL and has submitted that there is no legal or constitutional right infringed in the matter, therefore, PIL cannot be maintained.

Learned Counsel for the respondent No. 5 has also opposed the petition.

Having heard learned Counsel for the parties and on perusal of the record, it is noticed that the entire plea of the petitioner is based upon apprehension and surmises. Not a single concrete incident of misuse of proforma B by any particular candidate has been pointed out. That apart, petitioner has failed to disclose his credentials which is relevant because none of the

candidates claiming admission under state quota has come forward making any complaint against proforma B. Counsel for the petitioner has failed to demonstrate violation of any act, rules or regulation in prescribing the proforma B. He has also failed to give any example of misuse or prejudice to a candidate due to non-disclosure of the information which the petitioner is seeking. That apart, it has been pointed out that the counselling for this year is at the final stage. Petitioner appears to be a busy body who has filed the petition with the allegations which are unsupported by the material documents and are unfounded.

In these circumstances, we find no ground to entertain the present public interest petition which is accordingly dismissed. We, however, make it clear that any observation made in this order will not affect the right to any candidate in approaching the appropriate Court or forum if he is aggrieved with proforma B, and if such a petition is filed, the same will be decided on its own merit without being influenced by this order.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)