

01.12.2022
Unlisted
Crt.No.11
b.r.

MAT 1890 of 2022
with
IA No. CAN 1 of 2022

Arusha Dasgupta
-vs-
The State of West Bengal & Ors.

Mr. Suddhasatva Banerjee
Mr. Supratic Roy
..... for the appellant.

Mr. Swapan Kumar Datta, Ld. AGP.
Mr. Tapas Kumar Dey
..... for the State.

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

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

The appellant was the petitioner before the Hon'ble
Single Bench. The appellant was a candidate in the
National Eligibility -cum- Entrance Test, (Post Graduate)
of the year, 2022 (for short NEET (PG 2022)).

The appellant applied under the Management
Quota for counselling. The appellant now submits that
she be allowed to convert from the Management Quota to
the Non Resident Indian (NRI) Quota.

Mr. Banerjee, learned Counsel appearing for the appellant, submits that since the conversion from one category to another is permitted under the policy of the State of West Bengal in respect of vacant seats, such permission should also be granted in favour of the appellant to convert from one category to another which is from the General Category to the NRI Category.

Mr. Datta, learned Additional Government Pleader, submits that the conversion policy of the State is not under challenge and in the event the appellant is allowed to convert by an order of this Court, such would mean re-interpreting the Rules of Selection which stand already implemented in respect of all candidates who appeared in NEET (PG) 2022.

Mr. Roy, Learned Counsel appearing for the National Medical Council (for short NMC), points out that the Conversion Policy of the State is specific in allowing conversion of vacant seats from one category to another in terms of the printed Instructions. This Conversion Policy cannot, at this stage of mop-up counselling be re-interpreted by this Court for only the person, i.e. the appellant, since several other candidates who may be similarly circumstanced would then stand to be prejudiced.

Having heard the parties and considering the materials placed, this Court is persuaded not to extend any interim relief to the appellant.

The respondents cannot be burdened with a change in the Rules of Selection at this penultimate stage of mop-up counselling.

Moreover, from *Paragraph 3* of CAN 1 of 2022 filed in this appeal it would unequivocally transpire that the appellant, during cause of counselling, was willing to be sponsored by one of her Non Resident Indian relatives.

The pleadings at *Paragraph 3(supra)* speak more of the convenience of the appellant which cannot overwhelm the requirement to follow the Rules in cases of all candidates.

Accordingly, the prayer for interim relief stands refused.

Parties are permitted to exchange their Affidavits to CAN 1 of 2022.

Let Affidavit-in-Opposition be filed within a period of four weeks from today. Reply within three weeks thereafter.

Liberty to mention after the period granted to exchange affidavits stands complete.

The appeal will be heard.

Parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Supratim Bhattacharya,J.) (Subrata Talukdar,J.)