

2
19.09.2022
ssi
Ct 39

**CALCUTTA HIGH COURT
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 803 of 2022
IA NO: CAN 1 of 2022

Shailyaja Saha & ors.
-vs-
North Bengal Medical College & Hospital & ors.

Mr. Pankaj Agarwal
Mr. R. Chowdhury
Mr. Surojit Dutta

.....for the petitioners
Mr. D. N. Maiti
...for the respondent nos. 5 & 6

This is a purported application for clarification of the judgment and order dated 11.05.2022 passed in WPA 803 of 2022.

By the said judgment and order, this Court had passed the following directions :

“8. In the interest of justice, the following directions are passed:-

(a) in the event there are actual vacant posts to which the petitioners are entitled to be admitted, the respondents are directed to provisionally admit the petitioners in colleges of their choice within a fortnight from this date.

(b) Such admissions will be on a provisional basis

subject to availability of vacancies for the post contended by the petitioners.

(c) This shall not create any equity in favour of the petitioners, even in the event they qualify or are allowed to take examinations by the University.

(d) As between the present petitioners, their respective ranks will determine which of the present petitioners, if not all, would get the benefit of such admission to be granted in terms of this order.”

Learned counsel appearing on behalf of the petitioners submits as follows. When the petitioners approached the respondent authorities for giving effect to the order passed by this Court, they intimated that there were two types of quotas i.e. State Quota and All India Quota. The State Quota was already filled up. Only the All India Quota was left. According to the respondent authorities, it needs to be clarified in the judgment and order as to from which quota, seats are to be allotted or if the same is to be done from either of the quotas. The respondents contended so despite the fact that the directions are quite general in nature and would therefore include either of the quotas.

Learned counsel appearing on behalf of the respondent nos. 1, 5 and 6 submits as follows. The order can be given effect to, in case necessary clarification is made.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ

petition, the order passed and the review application.

First, the scope of review is very limited.

Secondly, the judgment and order passed by this Court is quite clear as would be evident from the directions given.

If the respondents now try to make a distinction by raising the question of existence of different quotas for the seats, which fact was never agitated before this Court by the said respondents at the time of hearing of the main application, the same ought not be entertained by this Court.

If at all this issue leads to a further cause of action for the petitioners to approach this Court, they shall be at liberty to do so and if there is any violation of the order, the petitioner would have ample scope of redressal.

At this stage, no further order need be passed in this case.

Accordingly, the review application is disposed of.

There shall be no order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)