

09.10.2023  
SL No.70  
Court No. 238  
Ali

**WPA 21769 of 2023**

**Arka Manna**

**Vs.**

**Ministry of Education, government of India & Ors.**

Mr. Narayan Debnath,  
Mr. Soumyajit Ghoshal  
Mr. Saswata Chatterjee  
Mr. Tanim Debnath

...For the petitioner.

Mr. Indranil Roy,  
Mr. Sunit Kumar Roy

...For the National Medical Commission.

Mr. A.K. Gupta

.....for the UOI.

Admittedly, the petitioner participated in the NEET-UG 2023 examination as a General candidate. Following the said examination, the counselling for admission was initiated by the State by a notification dated 19<sup>th</sup> July, 2023. It is also an admitted position that after the counselling started, the petitioner obtained an “Economically Weaker Section” certificate from the competent authority.

Learned advocate appearing for the petitioner submits that the petitioner should be allowed to participate in the counseling process as an “Economically Weaker Section” candidate.

I find that no substance in such claim.

The petitioners’ eligibility should be determined as on the date mentioned in the relevant advertisement [See: (1997) 4 SCC 185 (Ashok Kumar

Sharma Vs. Chander Shekar]] [See Also: (2023) SCC OnLine SC 662 (Sakshi Arha Vs. Rajasthan High Court)].

In the midst of counselling, he cannot claim to participate as an “Economically Weaker Section” candidate.

Accordingly, WPA 21769 of 2023 is dismissed.

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

**(Kausik Chanda, J.)**