

Ct. 238
Item No.64
21.09.2023
(Suvendu)

WPA 21777 of 2023
Anurima Goswami & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Indrajit Chatterjee
.....for the petitioner

Mr. D.N.Maiti
....for the respondent no. 4

Mr. Ritesh Kumar Ganguly
.....for the State

Admittedly, the petitioners participated in the NEET –UG 2023 examination as General candidates. Following the said examination, the counselling for admission was initiated by the State by a notification dated 19th July, 2023. It is also an admitted position that after the counselling started, all the petitioners obtained Other Backward Classes certificates from the competent authority.

Learned advocate appearing for the petitioners submit that the petitioners should be allowed to participate in the process as OBC (Other Backward Classes) candidates.

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)].
The petitioners have a right to be considered as OBC candidates only from the date when the certificates in this regard have been issued in their favour. [See also: (2003) SCC OnLine SC 662 (Sakshi Arha Vs. Rajasthan High Court)]

In the midst of counselling, they cannot claim to participate as OBC candidates.

Accordingly, WPA 21777 of 2023 is dismissed.

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

(Kausik Chanda, J.)