

13.10.2023

ap
70

WPA 24489 of 2023

**Shri Ramkrishna Institute of Medical Sciences
& Sanaka Hospital & Anr.**

Vs.

The Union of India & Ors.

Mr. Soumya Majumder
Mr. Srijib Chakraborty
Mr. Ritwik Choudhury
Mr. Deeptangshu Kar
Mr. S. Sarkar

... For the petitioners.

Mr. Indranil Roy
Mr. Sunit Kumar Roy
... For NMC.

Mr. D. N. Maiti
... For respondent no. 6.

Mr. Indrajeet Dasgupta
Ms. Tanushree Ghosh
... For Union of India.

Mr. Ranjan Saha
Ms. Debleena Dasgupta
... For the State.

It has been submitted by Mr. Soumya Majumder, learned advocate appearing for the petitioners, that the judgment and order dated September 21, 2023 passed by this Court has not been interfered with the Hon'ble Supreme Court.

The operative part of the said judgment and order delivered on October 03, 2023, is quoted below:

"1. We have heard Mr. Gaurav Sharma, learned counsel appearing for the petitioner (s) and Mr. Maninder Singh and Mr. P.S. Patwalia, learned senior counsel appearing for the respondents

and we have also perused the material on record.

(2) As a matter of fact, the State Government of West Bengal as well as the affiliating universities, i.e. West Bengal University of Health Sciences, have supported the case of the respondents (s).

(3) The submission advanced by the petitioner (s) do not appeal to us, inasmuch as the petitioner (s) itself had sent an assessment committee which had found that the respondents were possessing the requisite infrastructure, which is sufficient for an intake capacity of 200 students.

(4) In the peculiar facts and circumstances of the present case, no case is made out for interference.

(5) Hence, this special leave petition is dismissed accordingly.

(6) Pending applications, if any, stand disposed of.”

Mr. Majumder further has drawn attention of this Court to the fact that after the dismissal of the Special Leave Petition, the National Medical Commission has increased the intake capacity of the students of the colleges from 150 to 200 for the academic session 2023-2024 on October 05, 2023.

He submits that in the facts and circumstances of this case, this Court should pass an order directing respondent no. 7 to further extend the date of

counselling and include the name of the petitioners in the seat matrix.

I am of the view that the last date of admission in medical course has been fixed by respondent no.4 in compliance with the order passed by the Hon'ble Supreme Court.

The extension of the said date should be considered by the Hon'ble Supreme Court only.

Accordingly, I am not inclined to entertain this writ petition.

Accordingly, WPA 24489 of 2023 is disposed of.

However, disposal of this writ petition, needless to mention, shall not stand in the way of the petitioners to file appropriate application before the Hon'ble Supreme Court.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)