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WPA 29168 of 2022

Sattwik Majumdar

-vs-

State of West Bengal & ors.

Mr. Samim Ahammed

Mr. Arka Maiti

Ms. Gulsanwara Pervin

... for the petitioner

Mr. Raj Mohan Chattoraj

Ms. Laila Khatun

Mr. Sourav Mondal

..for the respondent nos. 5 & 6

Mr. D. N. Maiti

Mr. S. Sarkar

...for the respondent no.4

Affidavit of service filed on behalf of the petitioner is taken on record.

The present writ petition centers around the petitioner's pursuit of admission to the MBBS course at Jagannath Gupta Institute of Medical Sciences and Hospital, Budge Budge, a private medical college. It is not in dispute that the petitioner obtained a rank of 49634 in NEET (UG) for the year 2022 and he was allowed to participate in physical stray vacancy round of counselling. It is the grievance of the petitioner that due to non-cooperation on the part of the said medical college coupled with some technical difficulties, he was prevented from depositing the required fees within the time schedule as specified in the notification dated 22.12.2022. The date of physical stray vacancy round was 23.12.2022, and a candidate was

required to settle his fees by 4 PM on that very date.

In paragraph nos.5 to 12 of the writ petition, the petitioner provides a comprehensive account of the non-cooperation of the college and the challenges encountered by him in making the payment within the said stipulated time. The petitioner in the writ petition does not, however, deny that the relevant college made an offer to the petitioner to make the payment well in advance of the specified 4 PM deadline.

The mode of payment involved options such as a demand draft, RTGS or NEFT. It remains unclear that how the petitioner's father was prevented from making the payment through RTGS or NEFT, especially when the bank account details of the college were made available on the website of the college.

The petitioner contends that due to some discrepancies in the procedure for stray vacancy round of counselling, he has been deprived of his legitimate right to be admitted to the medical course.

The procedural protocol was same for all participants. Therefore, there was no basis to claim that the petitioner was treated differently or undue bias on the part of either the college or the counselling authority. If the petitioner could not make the payment through RTGS or NEFT due to some technical complications on the website of the petitioner's bank, the medical college could not be held accountable for that.

Learned counsel appearing on behalf of the petitioner relies upon a judgment reported at **(2020) 17 SCC 465 (S. Krishna Sradha v. State of Andhra Pradesh)**. Placing reliance upon paragraph nos.12 and 13 thereof, it has been contended that despite there being no fault on the part of the petitioner, the petitioner who has approached this Court within a reasonable period of time, should be accommodated either by creating an additional seat or by way of accommodating him in the next academic session.

The facts and context of this case do not warrant such rare and exceptional exercise cases by this Court.

I also find substance in the submission made on behalf of the college that it was open for the petitioner to avail the opportunity to participate in the additional physical stray vacancy round of counselling held on 28.12.2022. It appears that the petitioner was not diligent enough in securing his admission at the medical college within the time period stipulated in the notification dated 22.12.2022.

In that view of the matter, it is untenable to implicate any of the respondent authorities for negligence, discriminatory treatment or unfair conduct towards the petitioner.

Accordingly, this writ petition, WPA 29168 of 2022 is found to be meritless and is dismissed.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Kausik Chanda, J.)

