

08.03.2024
Sl. Nos.36-40
AKG/Suman
Ct.No.238.

WPA 1655 of 2024

Dr. Samim Akhtar Gazi
Vs.
The State of West Bengal and Ors.

With
WPA 1657 of 2024

Dr. Ijaj Ahamed Doctor
Vs.
The State of West Bengal and Ors.

With
WPA 1659 of 2024

Dr. Anil Kumar
Vs.
The State of West Bengal & Ors.

With
WPA 1661 of 2024

Dr. Sambit Roy
Vs.
The State of West Bengal & Ors.

With
WPA 1663 of 2024

Dr. Krishnendu Roy
Vs.
The State of West Bengal & Ors.

Mr. Dipankar Saha
Mr. Subham Kumar Das
..for the petitioners

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kumar Nag
Ms. Deboleena Ghosh
..for respondent no.4

In view of shared facts and common issues involved, these five writ petitions are taken up together for hearing and disposed of by this common judgment and order.

All the petitioners are medical practitioners.

Following National Eligibility cum Entrance Test (PG)/ 2021, they were allotted seats in DNB course at different medical colleges of the State. The petitioners allege that after spending about two years out of the three years' duration of the course, they have not been allowed to upload their thesis paper on the web portal of National Board of Examinations in Medical Science.

Upon inquiry, the petitioners were told by the State that their admissions were made beyond the sanctioned State Quota Seat.

Mr. Sirsanya Bandyopadhyay, learned advocate appearing for the State submits that having regard to the peculiar facts of the case, the State requested the National Board of Examinations in Medical Science to exercise one of the following options.

- “i) Such candidates may be relocated to other accredited Institutes having vacancy in the concerned subject,*
- ii) The seat may be shared to All India Quota from the State Quota for in*

service candidates in the upcoming counseling session for 2023.

iii) Such candidate may be allowed to seat for final exam with the 2022 session batch as the seats were seemingly approved for 2022 session.”

No reply was received from the said authority. The said authority is not represented before this Court.

Mr. Bandyopadhyay, learned advocate, however, submits that the State has no objection if the petitioners' admissions are regularised to protect their interest.

In the conspectus of the above peculiar facts, I am of the view that when the petitioners have continued with the relevant course for about two years, at this juncture, their admission should not be questioned particularly when there was no misrepresentation on the part of the petitioners in the admission process. The issue regarding State Quota arose only in the midst of their study. It has also not been disputed before this Court that till date the petitioners have been allowed to take the relevant examinations of the course and they were successful.

Accordingly, I dispose of this writ petition with a direction upon the respondents to regularise the admission of the petitioners at their respective colleges.

Respondent no.5 shall accord necessary approval in this regard. Respondent no.5 shall also open relevant portal for the petitioners to upload their papers so that

they can continue with their studies to complete the course.

Accordingly, **WPA 1655 of 2024, WPA 1657 of 2024, WPA 1659 of 2024, WPA 1661 of 2024** and **WPA 1663 of 2024** are **disposed** of.

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

(Kausik Chanda, J.)