

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 21814 of 2024

Md. Musa & another.

Versus

The State of West Bengal & Ors.

For the petitioners : Mr. Bikash Ranjan Bhattacharya
Mr. Sudipta Dasgupta
Mr. Sondwip Sutradhar
Ms. Sinjini Chakraborti
Mr. Baibhav Roy

For the State : Mr. Swapan Kr. Dutta
Mr. Rajat Dutta

For the NTA Mr. U. S. Menon
Mr. Abhirup Chokraborty

Heard on : 12.09.2024

Judgment on : 12.09.2024

JAY SENGUPTA, J:

This is an application for permission to apply online for registration of Round I Counselling of West Bengal National Eligibility-cum-Entrance Test Undergraduate, 2024 for State quota seats as Economically Weaker Section Candidates.

Opposition filed on behalf of the State respondents and Reply filed on behalf of the petitioners are taken on record.

Copy of the notice vide reference U-11011/01/2024-MEC dated 09.09.2024, as filed on behalf of the petitioners is also taken on record.

Learned senior counsel representing the petitioners submits as follows. At the relevant point of time, the petitioners belonged to economically weaker section (EWS) category. But, they had applied for registration for the examination as unreserved candidates because by that time they were not having the certificates as EWS. However, now they carry necessary documents in this regard. Incidentally, the EWS certificate is issued on 1st April of every year and it is valid for a year. Therefore, the certificate that was issued this year ought to be taken into consideration by the NTA and other authorities. In spite of this, the petitioners are not being allowed to be converted from unreserved category status to EWS. At the time of filling up of form for registration, the petitioners were not allowed to describe themselves as belonging to the EWS category

purportedly because during the examinations held earlier, they had not claimed such status. It is pertinent to mention that persons belonging to the OBC category were permitted to make changes in registration form. In view of the notice dated 09.09.2024 issued by the Office of MCC of DGHS, it is abundantly clear that although the MCC of DGHS could not change or edit category of any candidate, if any candidate wished to change his/her category, he would be able to visit the examination controlling authority i.e., NTA/NBE for change of category and revision of his/her rank.

Learned counsel appearing on behalf of the NTA denies the allegations and submits as follows. Although the Information Bulletin for NEET UG 2024 clearly stipulated that information regarding category once entered could not be changed, two opportunities were granted, one in the month of March and the other in the Month of April, to change the category. Even at that time, the petitioner did not avail of the opportunity although the petitioners could have done so in view of the claim that they have been issued EWS certificate on 1st April, 2024. There is no scope for allowing alteration of the category at this advanced stage. The entire process then will come to a stand still. All ranks have to be recast. This would entail not only a great deal of effort, but substantial expenses. The notice dated 09.09.2024

merely emphasised that the MCC of DGHS could not change or edit the category of any candidate.

Learned counsel appearing on behalf of the State submits that the said Government usually follows the norms set by the Central Government in this regard. If by dint of notice dated 09.09.2024, the NTA/NBE is permitted to consider change in category, the State would not come in the way. However, any alteration at this stage would result in change in the ranking system in a drastic manner.

Even if one goes by the averment of the petitioners that they could not apply as EWS category candidates because by such time, they did not have the certificate and that the certificate was issued only on 1st April, 2024, they could have very well applied for necessary changes in the month of March and April this year when admittedly opportunities were given by the NTA to make such changes.

It is also true that any change or alteration in the ranking might stall the entire process for some time and result in rankings to be changed drastically.

However, there is a notice issued by the Central Government on 09.09.2024 which specified that although the MCC of DGHS could not change or edit category of any candidate, any candidate who wished to change his category

might visit the examination controlling authority i.e., NTA/NBE for change of category and revision of his/her rank.

In view of the above, the writ petition is disposed of by granting liberty to the petitioners to approach the NTA with a representation for change of category by tomorrow i.e., on 13.09.2024 through E-mail. If such a representation is made, the same shall be considered by the NTA in accordance with law and expeditiously preferably within a week, so that in the event a decision is taken in favour of the petitioners, they can at least participate in mop up round and the stray round of counselling.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J)