

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Jay Sengupta

WPA 23123 of 2024

Ananya Mandal
Vs.
The State of West Bengal & Ors.

For the Petitioner: Mr. Sk. Jayed Hossain.

For the State: Mr. Gaurav Das,
Ms. Tuli Sinha.

For the WBMC: Mr. Sirsanya Bandopadhyay Id.AGP.,
Mr. Arka Kumar Nag,
Ms. Deboleena Ghosh.

For the NMC: Mr. Sunit Kr. Roy.

Heard On: 12.09.2024

Judgment On: 12.09.2024

Jay Sengupta, J.:-

1. This is an application for permitting the petitioner to rectify the online registration and allow her to appear in round 2 counselling for admission in MBBS course as an OBC(B) category candidate.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner belongs to OBC(B) category. She sat in the NEET-UG, 2024 and obtained a good rank. She filled up the form for Central Counselling under the category OBC as there was no sub-category provided there. However, while filling up the form for registration for counselling in the State of West Bengal, she made an inadvertent error in describing herself merely as OBC category candidate. She should have actually made it clear that she was an OBC(B) category candidate. The registration for 2nd round of counselling had started yesterday and will end tomorrow i.e., on 13th September, 2024. Unless the petitioner is allowed to correct the registration form, she shall suffer irreparable harm and prejudice. Reliance is also placed on a notification issued by the Central Government dated 09.09.2024 stating that the MCC or DGHS cannot change or edit category of any candidate and if any candidate wished to change his/her category, he might visit examination controlling authority i.e., NTA/NBE for change of category and revision of his/her rank.

3. Learned counsel appearing on behalf of the West Bengal Medical Counselling Committee denies the allegations and submits as follows.
The schedule for counselling and the like have been fixed pursuant to directions passed by the Hon'ble Apex Court. If the petitioner is allowed to change the category at this stage, the entire process of nationwide counselling has to be stalled. First, the State authorities have to inform the Central authorities to put the process on hold. Then the software needs to be recast so as to delete the wrong information purportedly provided by the petitioner. Only thereafter, the new information as is being provided by the petitioner could be filled up. Then it has to be found out what is the rank that the petitioner is getting. The process would involve the rank of others to be changed accordingly. The entire process shall cause severe harassment to the other candidates and would involve substantial costs and efforts. In fact, the schedule fixed by the Hon'ble Apex Court may get effected.
4. Learned counsel appearing on behalf of the NMC submits that the notification dated 09.09.2024 of the Central Government does not apply here because for Central Counselling there is no sub-categorisation of OBC. Thus, any possible change in the category contemplated therein would not refer to such sub-categorisation.

5. I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and copies of documents relied upon.
6. The petitioner intends to pursue MBBS course at a good Government College and become a doctor. She ought to have been more careful while filling up the form for counselling. Nobody else can be made responsible for the error that was committed by her.
7. After going through the submissions advanced on behalf of the State Counselling Committee, it is quite clear that any change in such information as provided by the petitioner as regards sub-category of OBC would involve stalling the entire nationwide process. Even thereafter, the software has to be recast or reset in order to have the wrong information deleted and thereafter, the ranks ascertained. This would not only involve a lot of effort, but also substantial cost and all these for no fault of the Testing Agency.
8. It further appears that this wrong information is not coming in the way of the petitioner in participating in the Central Counselling process because no sub-categorisation of OBC category exists there.

9. In view of the above and for the balance of convenience, it will not be prudent to allow the petitioner to change information given in the online registration.
10. Therefore, the writ petition is dismissed, however, without any order as to costs.
11. Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J)

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