

WPA 23967 of 2023

Manami Mandal
-vs-
The State of W.B. & ors.

Mr. Debraj Bhattacharya
Mr. Saikat Ghosh
...for the petitioner
M r. Indranil Roy
Mr. Sunit Kumar Roy
...for the National Medical Commission

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Ms. Deboleena Ghosh

...for the WBMCC

The petitioner participated National Eligibility Cum Entrance Test under Graduate 2023 for MBBS/BDS Course. Her rank was 9621 under the “Economically Weaker Sections” category. The petitioner alleges that, in the counseling, she has not been provided a seat according to her position in the merit list.

The affidavit filed by the State suggest that the petitioner did not participate in the 1st round of counseling. However, she participated in the counseling from 2nd round but no seat was allotted to her. The State asserts that no one below the petitioner in the merit list has been given a seat under the “Economically Weaker Sections” category.

The petitioner, in her reply, does not dispute the fact.

The petitioner, however, suggests that some General category candidates, in the midst of counseling, were allowed

to be converted under the “General Economically Weaker Sections” category. Due to such conversion, the petitioner has been denied admission. The petitioner submits that as per the extant regulation of National Testing Agency, once the counseling starts, no change of category should be allowed.

This ground, however, has not been pleaded in the writ petition.

Therefore, I am not inclined to allow the petitioner to urge this issue.

The petitioner, however, will be at liberty to file a fresh writ petition taking all the points availability to her as per law.

Accordingly, **WPA 23967 of 2023** is disposed of.

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

(Kausik Chanda, J.)