

19.04.2024
Sl. No.14
Suman
Ct.No.238

WPA 24098 of 2023

Saddam Hossain
Vs.
The State of West Bengal and Ors.

Mr. Biswaroop Bhattacharya
Mr. K. M. Hossain
Ms. Keya Sutradhar
..for the petitioner

Mr. Indranil Roy
Mr. Sunit Kumar Roy
..for National Medical College

Mr. Biswabrata Basu Mallick, AGP
Mr. Biman Halder
..for the State

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Ms. Deboleena Ghosh
..for respondent no.3 to 5.

It is the grievance of the petitioner that he ranked 52515 in the National Eligibility-Cum-Entrance Test (UG)-2023 under the Economically Weaker Sections category but due to some technical problem, he could not participate in the first round of counselling. He, however, was allowed to participate in the second round of counselling. He was allocated a seat in a private medical college according to his position in the merit list. The petitioner suggests that he cannot afford the fees of the private medical college and resultantly,

he will be compelled to discontinue his study. The petitioner submits that if had he been allowed to participate in the first round of counselling, he would have secured a seat in a Government medical college based on his position in the merit list with much lesser fees enabling him to continue with the medical course.

The petitioner prays that he should be allowed to take admission in a Government medical college to continue with his study.

It is also the grievance of the petitioner that respondent no.8 was allowed to participate in the entrance test as an OBC-A candidate for the year 2022. She has again been allowed to participate as an Economically Weaker Sections candidate in the year 2023.

I do not see any co-relation between the admission of respondent no.8 and that of the petitioner. It has been rightly pointed out by the State that as per Clause 9 of the Notification dated May 18, 2023 issued by the Government of West Bengal Backward Classes Welfare Department, an OBC candidate can also obtain an Economically Weaker Section certificate. Therefore, there cannot be any bar for an OBC candidate to participate as an Economically Weaker Section candidate subject to fulfillment of the required conditions.

Mr. Indranil Roy, learned advocate appearing for respondent no.6 submits that by virtue of Clause 18 of the Notification dated June 2, 2023 issued by National Medical Commission, no student designated to a medical institution is permitted to migrate to any other medical institute.

In that view, no relief can be granted to the petitioner.

Accordingly, **WPA 24098 of 2023** is dismissed.

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.)