

**HIGH COURT AT CALCUTTA**  
**CONSTITUTIONAL WRIT JURISDICTION**

**Present:**

**THE HON'BLE JUSTICE JAY SENGUPTA**

**WPA 27940 of 2024**

**Vaibhavi Singh**  
**Versus**  
**The State of W.B. & Ors.**

**For the petitioner**

Mr. Kallol Basu  
Mr. Suman Banerjee

**For the NMC**

Mr. Sunit Kr. Roy

**For the UOI**

Mr. Subhash Chandra Sarkar

For the WBMCC

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

**For the NTA**

Mr. U. S. Menon  
Mr. Abhirup Chakraborty

**For the State**

Mr. Ritesh Kr. Ganguly

**Heard on** : 26.11.2024

**Judgment on** : 26.11.2024

**JAY SENGUPTA, J:**

This is an application for a direction upon the respondents to allow the petitioner to participate in the Stray Vacancy Round of State Counselling that was to commence from 25.11.2024.

Affidavit of service filed on behalf of the petitioner is taken on record.

Leave is granted to file supplementary affidavit.

Supplementary affidavit as filed is taken on record.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner got a rank in the NEET UG 2024 and appeared in the counselling process. In the first round, she was allotted a college. However, at the relevant time, she was in Chennai and due to transport problems, she could not join the college in time. In the 2<sup>nd</sup> round of counselling, she could not get any allotment of seat. In the 3<sup>rd</sup> round, on 17.10.2024 she was allotted a seat. However, due to her illness and her unhappiness with the college allotted, she did not take admission. Now, a date has been fixed with today i.e., 26.11.2024 as the last date for the last round of counselling to end. This is a special stray round of counselling.. She wants to participate in the same. It is also submitted that the rule of merit would not be compromised if she is allowed to participate in the process. The petitioner also submits that the Information Bulletin that is

being relied upon by the WBMCC has no force of law. It was not properly framed or notified.

Learned counsel appearing on behalf of the NMC relies on the notification of the NMC dated 02.06.2023 and relies on Clause 15, which apparently provides that the Government was to appoint a designated authority for common counselling. According to the learned counsel, the publication of the Information Bulletin and the Scheme derives its power from this provision.

Learned counsel appearing on behalf of the WBMCC opposes the application and submits as follows. Reliance is placed on the NEET UG (MBBS/BDS/BSC Nursing) Counselling 2024 Information Bulletin and Counselling Scheme and it is submitted that if allotted a seat in round 3, candidate who did not report will exit with forfeiture of security deposit and will get eliminated from the further round of counselling. He also relies on query no.16 at page 54 of the Information Bulletin and its answer. According to the same, if a person was allotted a seat in the 3<sup>rd</sup> round and had not joined the college institute, he or she can exit with forfeiture of security amount and elimination. The candidate would be ineligible to participate in any further round. Therefore, the petitioner who was more of a luxury litigant, as she chose not to avail of the allotment in the 3<sup>rd</sup> round because she was unhappy with the college provided, shall not be allowed any benefit in violation of the rules and the Information Bulletin. Reliance is also placed a judgment of the Hon'ble Apex Court reported at (2022) 18 SCC

63 where the Hon'ble Supreme Court refused to entertain a petition because the Information Bulletin was not challenged.

In this writ petition, the petitioner has not challenged any provision of the Information Bulletin or the Notification relied upon on behalf of the NMC and the WBMCC.

It also appears that the petitioner was granted opportunities in the first round and the 3<sup>rd</sup> round of counselling. Although it was provided that a candidate would not be allowed to participate in a counselling process after not non-availing of seat allotment in the 3<sup>rd</sup> round, she chose to do so.

In view of the above, this Court does not find any special or compelling reason for which the prevalent rules can be relaxed and she be granted any benefit as sought.

In view of the above, the writ petition is dismissed.

However, there shall be no order as to costs.

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

**(Jay Sengupta, J)**