

17
19.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 13711 of 2025

**Dr. Priyanka Sahana & Anr.
-versus
State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta,
Ms. Sinjini Chakraborti,
Mr. Arindam Shit.
...For the Petitioners.**

**Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Avirup Bhattacharyee.
...For the State.**

**Mr. D. N. Maiti,
Mr. A. Santra.
...For the Respondent
Nos. 7 & 8.**

Assigned

1. The petitioners seek registration as Trainee Reserve. They have qualified in the NEET PG examination and provisional allotment letter were issued in their favour. The petitioners, however, were not registered as TR as, according to the authority, the petitioners failed to secure a better rank.

2. Submission by the State is that the rank of the petitioners is lower than the rank of the candidates registered as Trainee Reserve.

3. Learned advocate appearing on behalf of the petitioners refer to the resolution dated 2nd January, 2025 adopted by the Director of Health Services and the Special Secretary (MERT), Health and Family Welfare Department which mentions that there should be percentage of seats which may be reserved for the

medical education cadre. It was resolved that 12% of 333 seats that is 40 seats shall be reserved for the medical education service cadre. If 12% Trainee Reserved seats for the medical education cadre are not filled, then those seats will be converted to seats for health service and administrative service cadre.

4. Learned advocate appearing on behalf of the petitioners has annexed documents to show that the total percentage of seats as mentioned in the resolution that is 333 has been increased to 346. With the increase in the total number of seats, the percentage of seats reserved for the medical health service cadre ought to increase. The authority has failed to increase the seats for the medical health service cadre.

5. According to the State respondents as the number of students in the education cadre is more, accordingly, preference has been given to the education service cadre.

6. From the documents placed before this Court, there is no record to show that the authority resolved to reserve more seats only for the education service cadre by excluding the health service cadre. According to the resolution of the authority, 12% seats are reserved for the medical education cadre.

7. The petitioners intend to be registered as Trainee Reserve for the session starting 2025.

8. It has been brought to the notice of the Court that nearly five months of the course in the current session are over.

9. The provisional allotment letter issued in favour of the petitioners is annexed to the writ petition. The bond submitted by the petitioners undertaking to

pay a sum of Rs.5 lakh, if she discontinues or resigns from the course has also been annexed.

10. The petitioners apprehend that as provisional allotment letter has been issued in their favour, they may be required to pay the sum of Rs.5 lakh.

11. The notice issued by the Government of India, Directorate General of Health Services, Ministry and Health and Family Welfare dated 12th February, 2025 drawing urgent attention of the candidates has been placed before the Court. The notice mentions that the security deposit of candidates who do not join their allotted seats in the stray vacancy round will be forfeited and the candidates will be debarred from taking NEET examination for the next year.

12. As the petitioners have not been registered as Trainee Reserve despite being provided a provisional allotment letter, they cannot be treated as candidates who did not join their allotted seat. Final allotment of seat was not made in favour of the petitioners.

13. As despite issuance of the provisional allotment letter, the petitioners have not been registered for joining the course, accordingly, the question of depositing Rs.5 lakh to the Government does not arise at all.

14. As the petitioners have annexed consistent resolutions of the Department of Health and Family Welfare that 10% of the existing strength on 31st December of previous year will be the prescribed strength for issuance of Trainee Reserve Certificate, the authority ought to strictly follow the same.

15. If the percentage of registration of Trainee Reserve is changed, then the same will be contrary to the resolution and notification published by the State.

16. The authority ought to ensure that none below the last cut off ranked candidate is registered as Trainee Reserve.

17. In view of the above, the instant writ petition stands disposed of by directing the Secretary, Health and Family Welfare Department, Government of West Bengal to look into the matter and ensure that the resolutions adopted by the department with regard to fixation of the strength of Trainee Reserve is strictly followed.

18. If the aforesaid respondent notices any discrepancy, then necessary remedial steps shall be taken to rectify the error.

19. The Secretary, Health and Family Welfare Department, Government of West Bengal is directed to provide an opportunity of hearing to the petitioners to ascertain as to whether there has been any infraction of the resolutions adopted by the department.

20. In the hearing, the representative of the department of Health will also be permitted to attend.

21. A decision shall be taken by the aforesaid authority at the earliest but positively by 28th November, 2025.

22. Learned advocate appearing on behalf of the petitioners and the State are directed to immediately communicate this order to the Secretary, Health and Family Welfare Department, Government of West Bengal so that urgent necessary steps may be taken to resolve the issue.

23. If the petitioners are otherwise eligible to participate in the counseling session 2025-26, they will be permitted to do so.

24. The writ petition stands disposed of.

25. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities

(Amrita Sinha, J.)