

04.08.2025
(M/L-09)
Ct.-4
S.K.B.

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.S.T. 156 of 2025

**Sumit Rakshit
Vs.
The State of West Bengal & Ors.**

Mr. Mahendra Prasad Gupta,
Ms. Moumita Dhar
Ms. Sweta Tiwari

... For the petitioner.

Mr. Amitava Chaudhuri
Mr. Pradipta Sidhanta

... For the State.

1. Heard the learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner claimed to have competed for admission to Super Specialty Course and has been allotted a DM Neurology Seat at the Nil Ratan Sirkar Medical College and Hospital during the first session of NEETSS for the academic Session 2025-28. Under the circumstances it is submitted by the learned Advocate for the petitioner that the petitioner has requested the authorities to grant him extraordinary leave without pay to pursue this course. The petitioner has made such prayer before the West Bengal Administrative Tribunal (in short Tribunal) in OA No. 347 of 2025, which is pending for consideration.
3. It is under such circumstances that we have asked the petitioner whether there is any urgency

requiring this Court to consider the matter, during pendency of the same before the Tribunal. He has taken us through the representations filed by the petitioner on 27.05.2025 and 31.05.2025, he has also shown us the provisional admission letter granted to the petitioner on 24.05.2025.

4. From perusal of these documents, we do not find that there is any requirement of this Court to pass any order today, When the matter is pending consideration before the Tribunal in O.A.347 of 2025 filed by the petitioner. Whether the petitioner can approach this Court directly for any relief when there is no such case made out by the petitioner based on the documents relied upon is no longer *res integra*. The Tribunal is the court of first instance as per law laid down by the apex Court in the case of ***L. Chndra Kumar v. Union of India & Ors reported in (1992) 3 SCC 261***, and reiterated in the case of ***Rajeev Kumar & Anr. V. Hemraj Singh Chauhan & Ors. Reported in (2010) 4 SCC 554***.
5. Upon going through the two representations and provisional admission letter we find that no case is made out by the applicant/writ petitioner for emergent passing of any order giving rise to any extraordinary circumstance for exercising our discretionary jurisdiction under Article 226 of the Constitution of India in favour of the petitioner, when the matter is still pending for consideration before the Tribunal.

6. We, therefore without expressing any opinion on merits of the case, refuse to entertain the writ petition directly, when the matter is pending consideration before the Tribunal. All issues are left open for the petitioner to agitate before the Tribunal. In the event, the petitioner is required to obtain any interim order on the ground of any urgency, it is open to the petitioner to take appropriate steps, including filing of an application before the Tribunal, if required.
7. The writ petition is, thus, dismissed.
8. The learned counsel for the petitioner, submits that the next date is fixed in the matters before the Tribunal on 18.08.2025.
9. We, therefore, consider it appropriate that the respondents file their report/reply by 14th August, 2025, to facilitate consideration of the matter by the Tribunal on the next date.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)