

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Judgment (2)
Moumita
Daily list Item No. 2
Court No. 38
07.11.2025

**Present :
The Hon'ble Justice Aniruddha Roy**

W.P.A. 25141 of 2025

Rashedul Islam Molla

Vs.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. R. Chowdhury Mr. D.K.Deashi
For the State	:	Mr. Vivekananda Bose Mr. Kushal Das
For the WBMCC	:	Mr. Sirsanya Bandyopadhyay Mr. Arka Kumar Nag Ms. Deboleena Ghosh
For the National Medical Commission	:	Mr. Sunit Kr. Roy
For the Respondent nos. 5 & 6/WBUHS:		Mr. D. N. Maiti Mr. Asumdipta Santra Ms. Champa Pal
For the Respondent no. 1/State	:	Ms. Sipra Mazumdar Ms. Somashree Dey
Heard on	:	07.11.2025
Judgment on	:	07.11.2025

Aniruddha Roy, J.:

1. Upon urgency pleaded and since the regular determination has been assigned to this Court, the writ petition has been taken up for consideration.

2. Affidavit-of-service, filed in Court today, is taken on record.
3. The petitioner is an aspirant for **NEET UG 2025 Examination** he has reached up to the stage of counseling.
4. In the first round of counseling he was not allotted medical college, so he participated in the second round of counseling. For participating in the second round of counseling there was no recruitment of payment of fees. In the second round of counseling the particular college he was allotted with, since the same was not of his choice he opted for third round of counseling.
5. Learned counsel appearing for the petitioner submits that the petitioner was not aware of the fact that in the third round of counseling necessary fees was to be deposited and only then he was to be permitted to participate in the third round of counseling. It is also submitted that, since there was no requirement of paying fees in the second round of counseling where he has already participated, he was under a bona fide impression that no payment of fees is also required to participate in the third round of counseling.
6. Since he has not put in the necessary fees for third round of counseling he has missed his chance. However, the online stray round of counseling is fixed on **November 10, 2025** upon payment of online fees.
7. In view of the above facts, the petitioner prays for a chance to participate in the stray round of counseling upon payment of online fees.
8. Mr. Arka Kumar Nag, learned counsel appearing for West Bengal Medical Counseling Committee/Respondent no. 3 submits that the stray round of counseling is meant for those who have not been allotted any seat throughout the said three counseling stages. Since, the petitioner had

already allotted one seat in the second round of counseling the petitioner is not qualified to participate in the stray round of counseling and the petitioner has already missed his chance. To allow the petitioner in the stray round of counseling will have a cascading effect on the selection process which is not permitted in law.

9. Mr. Sunit Kumar Roy, learned counsel appears for National Medical Commission/Respondent no. 7.
10. Mr. Vivekananda Bose, learned counsel appears for the State/respondent no. 1.
11. Mr. Asumdipta Santra, learned counsel appears for respondent nos. 5 and 6.
12. After considering the submissions made on behalf of the parties and on upon perusal of the writ petition it appears to this Court that, since the petitioner was allotted a seat in the second round of counseling but ultimately failed to take part in the selection process, which is otherwise a rigorous procedure, if the petitioner is straightway allowed to get a seat in any medical college this may disturb the entire selection process, which cannot be done.
13. At the same time this Court in exercising its power in equity can stretch its arm a little, considering the peculiar and an extraordinary circumstance in the facts of this case.
14. The petitioner shall be allowed to participate upon payment of online fees in the stray round of counseling, after the candidates in the entire list for the same round. However, if ultimately after completion of the admission in

the entire selection process any vacancy is available, which is not filled up within the schedule date, then the appropriate authority shall consider the case of the petitioner's admission in any medical college wherever it is situated within the scope of the entrance examination.

15. However, it is also made clear that, this order shall not create any right or equity in favour of the petitioner and the petitioner shall not claim any right on the basis of this order in future in any manner whatsoever. The allotment of college for the petitioner shall be purely at the discretion of the authority, if ultimately vacancy is available.
16. This order shall not be treated as precedence.
17. With the above observations, this writ petition **WPA 25141 of 2025** stands ***disposed of***, without any order as to costs.

(Aniruddha Roy, J.)