

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

Present:

The Hon'ble Justice Jay Sengupta

WPA 25969 of 2024

**Dr. Salil Chandra Ghosh & others
-vs-
The State of West Bengal & others.**

With

CPAN 1836 of 2024

**Dr. Salil Chandra Ghosh & others.
-vs-
Dr. Swapan Soren & others.**

For the petitioners	:	Mr. Saptansu Basu Mr. Keshab Chandra DasAdvocates
For the WBMCC	:	Mr. Sirsanya Bandopadhyay Mr. Arka Kr. Nag Ms. Deboleena GhoshAdvocates
For the State	:	Mr. Kishor Dutta, Ld. AG Mr. Biswabrata Basu Mallick Mr. Sayan GangulyAdvocates
For the NMC	:	Mr. Sunit Kr. RoyAdvocate

Heard lastly on : 31.01.2025

Judgment on : 31.01.2025

Jay Sengupta, J:

Learned senior counsel representing the petitioners submits as follows. The petitioners seek the benefit of Trainee Reserve Facility for pursuing the Course of MD. They were prevented from participating in the counselling for the earlier period because of a notification issued by the State pursuant to a Court's order. Unfortunately, in the other matter, where the petitioners were not parties, the parties therein finally settled the matter and some of the candidates were granted necessary benefits. This is a special circumstance in which the State should consider granting similar benefits to the petitioners for this year. However, in view of the instructions filed on behalf of the State on the earlier occasion, even if the petitioners are not eligible to get 'Trainee Reserve' benefit for MD seats for this year, they would be eligible for such benefit for the course of DNB.

Learned senior counsel representing the State relies on the Report and submits that for the earlier session, the petitioners would have been eligible for the benefit. For this year, COVID-19 period benefit is restricted to two years. According to the calculations, the petitioners are not eligible to avail of such benefit for this year for the MD Course although they may be eligible for the DNB Course. Even after the earlier writ proceeding,

candidates have obtained TR facility by moving this Court. The petitioners did not do so.

Learned counsel for the NMC submits that they have prayed for relaxation of time before the Hon'ble Supreme Court.

Earlier, this Court had allowed the petitioner to have verification done by 30.01.2025 without creating any equity in their favour.

However, the last date for stray round counselling is 30th January, 2025 as per the modification application of the NMC. That date is also over. Therefore, no order can be passed even in respect of the DNB Course.

So far as the prime contention of the petitioner that they were prevented by an earlier stay order and notification for availing of such facility for the last year is concerned, several other candidates approached this Court and obtained necessary benefit as in WPA 14444 of 2024. The present petitioners chose not to do so.

Therefore, I do not find any merit in this application.

Accordingly, the same is dismissed, however, without any 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.)

