

13.11.2025
(Supp/L 01)
Ct.-17
(Susanta/
Samar)

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

APPELLATE SIDE

W.P.A. 25839 of 2025

Pratyush Ghosh

-Vs-

The State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv.

Mr. Narayan Debnath,

Ms. Bishalaxmi Ghosh,

Ms. Tanima Debnath,

Md. Nesab Sarkar,

Ms. Anisha Haque,

... for the Petitioner.

Mr. D.N. Maiti,

.... for the Respondents Nos. 5 & 6.

Mr. Sunit Kumar Roy,

.... For the National Medical Commission.

Mr. Sirsanya Bandopadhyay,

Mr. Arka Kumar Nag,

Ms. Deboleena Ghosh,

.... For the WBMCC.

Mr. U.S Menon,

Mr. Abhirup Chakroborty,

.... For the NTA.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

Leave is granted to the learned advocate on record for the petitioner to add the National Testing Agency as a party respondent to the writ petition; copy of the writ petition be served upon Mr. U.S. Menon, learned advocate, who usually represents the said authority.

The petitioner had participated in the National Eligibility-cum-Entrance Test (undergraduate), i.e. NEET UG 2025 conducted by the National Testing Agency (NTA) and was successful in the said test.

The petitioner has secured 627974 All India Rank and 280852 Rank under OBC category (central list).

The petitioner, to get admission at a medical college in West Bengal, had participated in the

counselling conducted by the Medical Counselling Committee, Director of Medical Education, Government of West Bengal, the respondent no.4 herein.

In the first round of such counselling, he was not allotted any seat, however in the second round, he was allotted a seat at Shantineketan Medical College but he did not take admission.

The petitioner did not participate in the third round of counselling but he intends to participate in the stray round.

The petitioner is alleging that he was not allowed to register for the said stray round, as such he is praying that the respondent no.4 may be directed to permit him to participate in the said round of counselling.

Mr. Saptangshu Basu, learned Senior Counsel for the petitioner submits that the notice cum information Bulletin dated July 31, 2025 prescribes the procedure for NEET UG 2025 Counselling. The petitioner inadvertently did not deposit the counselling fees as such could not participate in the third round, the Bulletin does not put an embargo to the petitioner to participate in the stray round for his failure to participate in the third round.

He further submits that in an identical situation, a Co-ordinate Bench of this Court in WPA 25140 of 2025 (***RAISA PARVIN vs. THE STATE OF WEST BENGAL & ORS.***) by an order dated November 07, 2025 had permitted a similarly placed candidate to participate in the counselling.

Mr. Arka Nag, learned advocate for the respondent no.4 submits that the Bulletin prescribes that the candidates who have not been allotted seats till Round 3 shall be entitled to participate in the stray round, the petitioner was allotted a seat in the second round but did not take admission and also did not participate in the third round as such he is not entitled to participate in any further round of counselling.

Mr. Sunit Kumar Roy, learned counsel for the National Medical Commission, the respondent no. 7 herein, submits that the petitioner since did not participate in the third round of counselling, is not entitled to participate in the stray round.

Mr. Basu, in reply, submits that the procedure prescribed in the Bulletin that non-allotted candidates till Round 3 would be allowed to participate in the stray round and do not require to pay counselling fees again is an enabling provision, it puts no embargo in allowing the petitioner to participate in the stray round as the petitioner has not taken admission.

Having heard the learned counsel for the parties and on perusal of the materials-on-record, it appears that the Director of Medical Education, Government of West Bengal, being the Chairman of the West Bengal Medical Counselling Committee by the memo bearing Memo No. HFW-23099/206/2023/M/2012 dated July 31, 2025 has notified the Information Bulletin for NEET-UG 2025 counselling.

The said Bulletin prescribes the steps to be followed at different stages of counselling. The said Bulletin prescribes that the candidates who have surrendered seats after admission in Round 1 or Round 2 are not allowed to participate in any further round of counselling, they are out of counselling process.

The petitioner though was allotted with a seat at the second round but did not take admission in the allotted college, this step does not disentitle the petitioner to participate in the third round inasmuch as the Bulletin prescribes that the candidates who remain not reported in the allotted college during Round 2 counselling are allowed to participate in Round 3 counselling after payment of counselling fee once again.

Nonetheless the Bulletin prescribes that the candidates who remain not reported in Round 3 after

allotment are not allowed any further in counselling process and they are out of the counselling process.

The petitioner did not participate in the third round of counselling, the Bulletin prescribes that the candidates who have not been allotted seats till Round 3 are directly allowed to participate in the stray round without payment of counselling fees again. The procedure so prescribed clearly indicates that a candidate who was given opportunity to participate upto Round 3 and was allotted a seat is excluded from the further round of counselling.

The Bulletin prescribes a restriction for the candidates eligible to participate in the third round of counselling, to participate in the further rounds, if a seat is allotted to such candidate. The petitioner, by not participating in the third round, cannot render the said restriction infructuous.

The judgment of the Co-ordinate Bench cited on behalf of the petitioner is factually distinguishable as such is of no help to the petitioner.

In view of the discussion made above, this Court is not inclined to allow the prayer of the petitioner, W.P.A 25839 of 2025 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Biswajit Basu, J.)