

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

Present:

The Hon'ble Justice Biswajit Basu

WPA 27446 of 2025

Nahid Alam

Versus

The West Bengal Medical Counselling Committee (WBMCC) & Ors.

For the Petitioner	:	Mr. Ujjal Ray Mr. Supratic Roy Mr. Shuvajit Roy
For the State	:	Mr. Swapan Kumar Datta, Ld. GP Mr. Dipankar Dasgupta Mr. Sabyasachi Mukherjee
For the Respondent No.3	:	Mr. D.N. Maiti Mr. A. Santra
For the WBMCC	:	Mr. Sirsanya Bandyopadhyay Ms. Deboleena Ghosh
For the NMC	:	Mr. Sunit Kumar Roy
Heard on	:	11.12.2025
Judgment on	:	11.12.2025

Biswajit Basu, J:

1. The petitioner is the resident of a remote village of the State, 25 km away from the Islampur town of the District- Uttar Dinajpur. The father of the petitioner is a farmer. The petitioner, since childhood, had cherished the dream to be a doctor, he studied at a village school and had crossed different obstacles to reach to the doorstep of NEET-UG, 2025.

2. The petitioner had participated in the said entrance Test though under OBC-A category but without taking benefit of the said reservation, on the strength of his merit, he was allotted a seat under the State quota at the Jagannath Gupta Institute of Medical Sciences and Hospital (JIMSH). The admission procedure in the said allotted seat was required to be completed between the period from November 18, 2025 to November 20, 2025.

3. On November 17, 2025, a provisional allotment letter in favour of the petitioner was uploaded on the website of the West Bengal Medical Council (WBMC). The petitioner had downloaded the said allotment letter on November 18, 2025 at 3:23 p.m.

4. The father of the petitioner had planned that he would pay Rs. 15 lakhs out of the total College fees of Rs. 25 lakhs and to pay the rest, shall take the benefit of Student Credit Card, accordingly he had handed over two cheques of the said amount of Rs. 15 lakhs to the petitioner.

5. The petitioner, on November 19, 2025 had started for Kolkata and after an overnight journey reached to the college on November 20, 2025, which was the last scheduled date for admission. The petitioner, on reaching college came to learn that in order to complete the admission procedure, he is required to deposit the course fees in the designated department at IPGME&R (SSKM), Kolkata.

6. The petitioner was in Kolkata for the first time as such, after much difficulty reached to the IPGME&R (SSKM), Kolkata but he was informed there that the course fees cannot be paid through cheque, only bank draft/pay order is acceptable. The petitioner could not manage to comply with the said payment mode as such failed to take admission.

The petitioner is praying that he may be allowed to take admission in his allotted seat at JIMSH.

7. Mr. Sunit Kumar Roy, learned advocate for the National Medical Commission submits that the last date for admission is over, the relevant portal is closed, therefore, it would not be possible for the Commission to allow the petitioner to take admission.

8. Mr. Sirsanya Bandopadhyay, learned senior Standing Counsel submits that his client has no independent role to allow the admission of the petitioner.

9. Mr. Ujjal Ray, learned advocate for the petitioner submits that the father of the petitioner had sold some of his landed properties to arrange for the part of the course fees, in fact he had used his bank account for the first time to make the said payment, it was never informed to the petitioner that the fees cannot be paid through cheque. The petitioner is belonging to a marginal section of the society, as such, his fight to come up must be encouraged.

Heard learned counsel for the parties, perused the materials-on-record.

10. The Hon'ble Supreme Court in the case of ***S. KRISHNA SRADHA vs. THE STATE OF ANDHRA PRADESH AND OTHERS*** reported in **2019 SCC OnLine SC 1609** has observed *inter alia* that a meritorious candidate/student who has been denied an admission in MBBS course illegally or irrationally by the authorities for no fault of his/her and who has approached the Court in time and so as to see that such meritorious candidate may not have to suffer for no fault of his/her.

11. In the present case, the provisional allotment letter is completely silent about the mode and place of payment of the course fees. A student coming for the first time in a city like Kolkata when had approached a college to get admission in his allotted seat, was asked to move to another place to complete the admission procedure and on reaching the said place,

he was informed that the course fees cannot be paid through cheque but in the other mode, delay caused thereby in completing the admission process is not attributable to the petitioner.

12. The issue can also be viewed from another angle. One of the basic aims of our Constitution is to uplift the economically and socially weaker section(s) of our society. The following observations of the Hon'ble Supreme Court being relevant to the issue are quoted below:-

In the case of ***D.M. PREMKUMARI vs. DIVISIONAL COMMISSIONER, MYSORE DIVISION AND OTHERS*** reported in **(2009)12 Supreme Court Cases 267**

“....

12. “The law is merciless”, is a most frequently quoted saying. It has led people to mistakenly think that it is separated from feelings or righteousness. We have become used to the understanding that such emotions as indignation, sorrow and compassion should not exist in legal cases, especially not in judiciary. This, in our view, is a misunderstanding, Judiciary has a very strong sense of justice and it works to maintain social justice and fairness. We hasten to add the judiciary does not believe in misplaced sympathy.”

and in the case of ***MOTI RAM AND OTHERS vs. STATE OF MADHYA PRADESH*** reported in **(1978)4 Supreme Court Cases 47**

“

23. ... Where doubts arise the Gandhian talisman becomes a tool of interpretation; “Whenever you are in doubt.....apply the following test. Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him”.

13. Summing up the discussion made above, this Court holds that the petitioner is entitled to the benefit of such constitutional scheme which should not be misread as sympathy and in view thereof, the following directions are passed:-

- i. The College is directed to complete the admission process of the petitioner in respect of his allotted seat subject to compliance of all formalities; such exercise is required to be completed **today** itself.
- ii. The West Bengal Medical Counselling Committee, after such admission, shall take the follow-up steps to complete the admission procedure.
- iii. The National Medical Commission and Medical Counselling Committee, Government of India shall extend appropriate cooperation in this regard to the WBMCC and the College.

14. The learned advocate on record of the petitioner is permitted to communicate the gist of the order passed in court today and all concerned are directed to act on such communication.

15. WPA 27446 of 2025 is thus disposed of with the above terms and observations without any order as to costs.

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

17. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J)