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WPA 323 of 2026

Rashedul Islam Molla
Vs.
The State of West Bengal & Ors.

Mr. Rittick Chowdhury
Mr. Deb Kumar Deashi
.... for the petitioner

Mr. Swapan Dutta, learned G.P.
Mr. Dipankar Dasgupta
Mr. Abhishek Chakraborty
.... for the State

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Ms. Debolena Ghosh
..... for the WBMCC

Mr. D. N. Maiti
..... for the WBUHS

Mr. Sunit Kumar Roy
..... for the NMC

Mr. Asumdipta Santra
..... for the JIMS

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is a meritorious student who had appeared in the NEET UG, 2025 examination and successfully qualified with All India Rank of 61299 and a General Category Rank of 22223.
3. The petitioner had not been allotted a seat in round 1 of counseling. However, the petitioner was successful in the second round of counselling. The petitioner, thus, was

provisionally allotted a seat in the respondent no. 8 in round 2. However, with the hope of admission to a better college, the petitioner did not take admission in this college and opted to participate in the counselling of round 3. However, the petitioner was unable to deposit the prescribed counselling fee before the server deadline due to unintentional omission on his part. The petitioner had approached this Hon'ble Court and obtained an order on November 7, 2025, by which it was directed that the petitioner would be allowed to participate in the stray round of counselling after the candidates in the entire list for the same round. In fact, it was also directed that after completion of admission in the entire selection process, if any vacancy be available, which is not filled up within the scheduled date, the appropriate authority shall consider the case of the petitioner's admission in any medical college within the scope of the entrance examination. The petitioner had participated in the stray round and had not been allotted a seat in any college, whereupon a second writ petition had been filed which was disposed of by this Hon'ble Court on December 19, 2025. By the said order, the petitioner was permitted to

participate in further rounds (stray and special stray).

4. The petitioner participated, though ultimately he was not allotted a seat for the reasons best known to the authorities, particularly, since the same is a software controlled programme over which the authorities may not have control to exercise of their own.
5. There is no dispute that the petitioner is a meritorious and eligible student.
6. Ms. Ghosh, learned Advocate appearing for the respondent nos. 2 and 3 submits, on instructions, a copy of which is kept on record, that after the stray round of counseling (fifth round), there are approximately 20 seats, which are still vacant in various medical colleges all over West Bengal, at present.
7. However, of these, only eight colleges offering the MBBS course, have such vacancies.
8. Mr. Roy, learned Advocate appearing for the respondent no. 7, opposes the prayer of the petitioner.
9. Mr. Dutta, learned Government Pleader, appears for the State.
10. Mr. Maity, learned Advocate appears for the respondent no. 5.

11. Mr. Santra, learned Advocate appears for the respondent no. 8.
12. I have heard the learned Advocates appearing for the parties and gone through the documents on record. The hurdles, in so far as the petitioner's prayer is considered, is primarily that the cut-off date has lapsed on December 31, 2025. However, in tune with the decision of the Hon'ble Supreme Court of India (*S. Krishna Sradha vs. The State of Andhra Pradesh & Ors.*) reported in 2020 (17) SCC 465, it cannot be denied that a meritorious student, such as the petitioner, should not be denied the admission, especially since the petitioner had been allotted a seat in a college in earlier rounds on the basis of his rank. The petitioner has also pursued his legal rights and remedies expeditiously without any delay before this Hon'ble Court. Thus, the petitioner's entitlement, as a meritorious student to get admission, is not in doubt. The timelines for any meritorious student, pursuing a professional course or degree, is of utmost importance and for a degree such as the medical degree, the hard work and labour involved to achieve success cannot simply be overlooked due to a technical deficiency.

13. The right to acquire equal treatment as enshrined in our Constitution has been protected on several instances by the various high courts, especially by the Supreme Court of India. One such instance of protection is evident from the decision, as aforestated, *S. Krishna Sradha (supra)*.

14. The petitioner is a successful candidate. It will appear from the fact that he had been allotted a seat in the respondent no. 8. There is no explanation as to why after the stray round as well as the special stray round of counselling, when vacancies were available in the MBBS course in several colleges in the West Bengal, the petitioner was not allotted a seat. The petitioner is entitled to equal treatment as he is a meritorious candidate having obtained fairly high ranks. In fact, during course of submission it was found that the candidates, who have obtained ranks in the region of 10 lakh, have been allotted seats in the medical colleges. The petitioner's rank is far above such ranks of 10 lakhs and he is, thus, entitled to admission in any one of the medical colleges where there are vacancies available at present.

15. It will not out of place to mention that the allotment of one of the vacancies to the petitioner will not cause any prejudice to any of the

candidates who have already been allotted seats or to any of the candidates who have not been allotted any seats.

16. The case of the petitioner clearly ticks all the boxes as prescribed by the Hon'ble Supreme Court of India (*S. Krishna Sradha (supra)*).
17. Thus, cause of justice will be subserved if the petitioner is directed to be allotted one of the vacancies in any of the available medical colleges offering the course that the petitioner seeks to pursue.
18. In the circumstances as above, since there are vacancies available for the course that the petitioner wants to pursue and in view of his meritorious rank, it would be proper that the petitioner be accommodated in any one of the colleges in which the MBBS course is being offered and vacancies are available.
19. Ms. Ghosh submits that the petitioner, as a general candidate, would be entitled to the State quota in the PKG Medical College and Hospital.
20. The Advocate-on-record of the petitioner, will inform the respondent nos. 2 and 3 about the aforestated availability of vacant seats in PKG Medical College and Hospital under the State quota.

21. The respondents no. 2 and 3 will forward a copy of this order to the concerned college intimating them to grant admission to the petitioner.
22. The petitioner will, thereafter, approach the concerned college to obtain an offline admission in the said college. The concerned college i.e. PKG Medical College and Hospital is directed to admit the petitioner on the offline application.
23. The respondent nos. 2, 3,4,5,6 and 7 are directed to render all assistance and co-operation to the petitioner to enable him to get admission into the college, as aforestated, by January 10, 2026.
24. The college will admit the petitioner on the basis of the undertaking given in Court today that he will make payment of the requisite fees by January 14, 2026.
25. The college authorities will act on the endorsement of Ms. Ghosh, appearing for the respondent no. 3, in this matter in so far as the order is concerned.
26. All other parties will act on the basis of a server copy of this order, duly downloaded from the official website of this Hon'ble Court.
26. With the aforestated directions, the writ petition is disposed of.
27. There shall, however, be no order as to costs.

28. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)