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WPA 588 of 2026

Mohammed Sunnyul Mallick
Vs.
The State of West Bengal & Ors.

Mr. Rittik Chowdhury
Mr. Mihir Saha
Mr. Deb Kumar Deashi
.... for the petitioner

Mr. Tapas Kumar Roy
.... for the State

Ms. Deboleena Ghosh
Mr. S. Banerjee
Mr. A. K. Nag
..... for the WBMCC

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

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

Mr. U. S. Menon
Mr. Abhirup Chakraborty
.... for the added
respondent no.8, (NTA)

1. Let affidavit-in-service, as filed in Court, be kept on record.
2. Report filed in the form of affidavit on behalf of the respondent no. 3 is kept on record.
3. The petitioner participated in the NEET(UG) Examination, 2025.
4. The grievance of the petitioner is that he was not given allotment to any of the colleges in spite of a

provisional allotment letter after the second round of counselling on September 24, 2025.

5. Mr. Chowdhury, learned Advocate appearing for the petitioner, submits that the petitioner was entitled initially under the person with disability (in short PWD) quota to obtain a seat in one of the medical colleges. However, since the petitioner did not obtain the benchmark parameters, he could not be classified as a PWD candidate. Hence, he did not go for admission in spite of having a provisional allotment letter after second round of counseling.
6. Mr. Menon, learned Advocate appearing for the added respondent, the National Testing Agency, submits that in terms of the Information Bulletin NEET (UG)-2025, and the Public Notice dated April 2, 2025, after the candidates had filled up their online application forms in February, 2025, they were afforded an opportunity to correct the particulars of their application in terms of this aforestated Public Notice of April, 2, 2025, a copy whereof, as produced by Mr. Menon, is kept on record. The Public Notice was a onetime facility, extended to the candidates, to avoid any hardship to them and also to enable such candidates to rectify any error that may have crept in while filling of the application forms.

7. The petitioner, according to Mr. Menon, in spite of this Public Notice of April 2, 2025, did not seek any cancellation or any rectification of the original form. The petitioner continued to represent himself as a PWD candidate and thereby entitled to the seats reserved for such category.
8. Mr. Menon also submits that the petitioner's status, as reflected in the online form, not having been rectified in spite of an opportunity given to him, cannot be rectified at such a belated stage as the same will disrupt the entire process and the rank system including the allotments already made.
9. Ms. Ghosh, learned Advocate appearing for the respondent no. 3, submits that in terms of Clause - 5 of the Notification published by the Directorate of Medical Education, Government of West Bengal, on July 31, 2025, the candidates who are eligible as per cut off limits of the 21 benchmark disabilities, will only be considered as PWD candidates. To prove such benchmark disability qualification, the candidates would have to get a relevant certificate from the IPGME & R, Kolkata. Thus, only the candidates, with verified PWD status from the relevant authority as aforestated, would be given admission to the

colleges, on the basis of the quota, if provisional allotment letters had been issued to them.

10. She also submits that the petitioner, not being so qualified for obvious reasons, could not get the requisite certificate from the concerned authority on account whereof the petitioner chose not to take admission pursuant to the provisional allotment letter of September 24, 2025.
11. Mr. Roy, learned Advocate appearing for the respondent no. 7, submits that the petitioner is a fence sitter and nothing more than an opportunist candidate. This primarily as the petitioner had applied under the PWD status, not by mistake but by design. To augment this part of his argument, Mr. Roy has drawn attention of this Court to the provisional allotment letter, at page no. 30 of the writ petition, where under the fourth column of the fourth box, relating to personal details, the petitioner has reiterated his stand that he is, indeed, a PWD (physically challenged) candidate and has the requisite certificate to establish the same.
12. He further submits that the petitioner, not being in a position to produce the requisite certificate, did not proceed to take admission in terms of the provisional allotment letter. It was only thereafter, having failed to obtain any further

allotment, the petitioner, after the stray round of counselling which was completed in December, 2025, has approached this Hon'ble Court in January, 2026.

13. I have heard the learned Advocates appearing for the parties and perused the records.

14. Certain facts are admitted. These facts may be summarized :-

- (a) The petitioner had applied in the NEET(UG)-2025 under the category of PWD quota;
- (b) The petitioner had obtained provisional allotment under the PWD quota on September, 24, 2025;
- (c) The petitioner waited till the special stray round of counselling to approach this Hon'ble Court by way of this writ petition;
- (d) It is equally true that the petitioner had approached this Hon'ble Court on an earlier occasion sometime in October, 2025, in which an order had been passed by this Hon'ble Court on October 16, 2025, directing the petitioner to make a representation before the respondent no. 3, who would consider and dispose of the same within a week thereafter. The said representation, though made, has not been disposed of.

15. On an query from this Court, Mr. Chowdhury, on instructions, has specifically given up this point that the representation has not been considered and that he is willing to proceed with this writ petition on merits.
16. The petitioner, in no uncertain terms in the pleading as well as while submitting, stated that he does not qualify as a benchmark disabled person. Not having been so qualified, the petitioner ought to have exercised the right given to him under the notice issued by the National Testing Agency on April 2, 2025. The petitioner refused to correct the online application form, in spite of an opportunity being provided in the Public Notice. The petitioner, therefore, chose to continue as a candidate under the PWD category and avail of the quota specified for such category.
17. The petitioner having obtained a provisional allotment letter on September 24, 2025⁴, ought to have visited the college to take admission, if indeed, the petitioner was under the *bona fide* belief that he had qualified under the 21 benchmark disabilities. The petitioner did not approach the college for taking admission at any point of time.
18. There is nothing on record nor have any submissions been made by the petitioner that he

had made an attempt to obtain the requisite certificate from the Medical Board of IPGME&R, Kolkata, as stipulated under Clause-5.

19. The *bona fides* of the petitioner are in great doubt. Had the petitioner approach the college and been refused, the right of the petitioner would have accrued under the aforestated memo to, at least, seek a rectification of his status from the PWD quota to the OBC or any other quota that may be applicable to him. It is clear that the petitioner never approached the college, which only shows that the petitioner was reluctant to obtain the necessary certificate and thereafter approach the college for admission. The petitioner chose to continue as a PWD candidate without rectification of his status.

20. It is only thereafter that the petitioner chose to rectify his stand and proceed as if he was an OBC candidate.

21. The petitioner's stand is unequivocal as it appears from the petition itself, admitting in no uncertain terms that he did not qualify as a benchmark disabled person.

22. Such admission, faces the question as to why the petitioner did not rectify the online application form, when an opportunity for such rectification had been provided by the National Testing

Agency vide its Public Notice of April 2, 2025.

There is no answer to this issue.

23. The petitioner, in the scorecard, has also represented himself as a PWD quota candidate and the question of treating the petitioner otherwise by the authorities never arose.

24. The question of shifting from one quota to another is quite alien in this examination process as specified in the memos and notifications issued by the authorities, including the Information Bulletin issued by the National Testing Agency.

25. The petitioner is seeking reliefs, which will tantamount to alternation of the notification and the memorandum issued by the respondent authorities and will create absolute mayhem in the entire process.

26. The petitioner, in this second round of litigation, has approached this Court on January 8, 2026, by way of this writ petition, after the special stray round of counseling has been concluded and the admission to the colleges had also been concluded.

27. Without getting into the issue as to whether the petitioner had deliberately caused a misrepresentation to be made or not, so much is undeniable that the petitioner continued to make

a consistent representation that he was eligible to apply under the PWD category and indeed continued with such representation till after his provisional allotment letter had been issued. The petitioner also did not approach the college to which the provisional allotment letter had been issued and thereby cannot be said to be covered by the relaxation clause (if it may be so termed under the memorandum dated July 31, 2025).

28. The petitioner's prayer to shift him from the PWD category to the OBC-NL category and to direct the authorities to allot him a seat cannot be considered as the question of such shifting does not arise. The petitioner had all through represented himself as a PWD category candidate and has to be dealt as such. The petitioner did not, at any stage (even during the hearing), produce the requisite certificates from the concerned authority on account whereof the prayer of the petitioner cannot be granted.

29. In view of the aforesaid facts and circumstances, relief sought for by the petitioner cannot be granted.

30. Thus, the writ petition is dismissed.

31. There shall, however, be no order as to costs.

32. Parties have not filed any affidavits in the instant matter. Hence, allegations contained in the writ petition are deemed to be denied.

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

(Reetobroto Kumar Mitra, J.)