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31.03.2026
Ct No.11
rrc

MAT 206 of 2026
with
IA No. CAN 1 of 2026
(Ms. Sudeepta Priyadarsini Vs. The State of
West Bengal & Ors.)

Mr. Biswaroop Bhattacharyya
Mr. Kaushik Chandra Gupta
Mr. Ranjan Sarkar
... For the appellant

Mr. Swapan Kumar Datta, GP
Mr. Tapas Kumar Roy
..... For the State respondents

Ms. Debleena Ghosh
Mr. A. K. Nag
Mr. S. Banerjee
..... For the W.B.M.C.C.

Mr. Sunit Kr. Roy
..... For the N.M.C.

Mr. D. N. Maiti
Mr. A. Santra
..... For the respondent nos. 5 & 6

Mr. Rittick Chowdhury
Mr. Rahul Bhowmik
**..... For the respondent no. 8/
writ petitioner**

The present appeal has been preferred by one of the writ petitioners, namely, Sudeepta Priyadarsini challenging an order dated 22nd January, 2026 passed by the learned single Judge in a writ petition being WPA 1085 of 2026 which was preferred primarily praying for issuance of necessary direction upon the respondents to immediately allot MBBS seat for the academic year 2025-26 from the pool of existing vacancies. A perusal of the order impugned reveals that the writ petition was dismissed as the

writ petitioner/appellant herein was unable to show any document or to make any submission in respect of her participation in the counselling rounds to augment the pleadings and documents in the petition.

Mr. Bhattacharyya, learned advocate appearing for appellant submits that the appellant's claim has been rejected on an erroneous premise since documents were annexed to the writ petition which would clearly reveal that she participated in the Special Stray Vacancy Round. In support of such contention, he has drawn our attention to the documents at page 70 of the stay application and page 36 of the supplementary affidavit. Let the supplementary affidavit, as filed, be kept on record.

He argues that while conducting the second part of the Special Stray Vacancy Round, the authorities did not include the vacant seats in which the allotted candidates did not join and as a consequence thereof, the appellant was deprived of the opportunity to opt for any such vacancy. The appellant, thus, cannot be made to suffer for the laches attributable to the authorities. Such arguments, as advanced, were glossed over by the learned single Judge and no finding was returned on the same and such infirmity warrants interference of this Court.

Ms. Ghosh, learned advocate appearing for the West Bengal Medical Counselling Committee

(hereinafter referred to as WBMCC) denies and disputes the contention of Mr. Bhattacharyya and submits that the issue urged today in appeal was not taken by the appellant at the time of hearing of the writ petition and such issue is also not supported with any averment made in the writ petition. In the absence of any document to establish her participation in the second part of the Special Stray Vacancy Round, the learned single Judge rightly refused to exercise discretion in her favour.

Such argument of Ms. Ghosh has been adopted by Mr. Roy, learned advocate appearing for the respondent no. 7 and drawing our attention to the document annexed at page 36 of the supplementary affidavit, he points out that the vacancies in which the allotted candidates in the first part of the said counselling round did not join were included in the second part of the said counselling, as would be explicit from Clause 8 of the memo dated 19th December, 2025. Unfortunately, the appellant did not come within the zone of consideration on the basis of merit and as such, she could not be accommodated. In support of such argument reliance has been placed upon a judgment delivered in the case of *Education Promotion Society for India and another Vs. Union of India and others*, reported in (2019) 7 SCC 38 wherein the Hon'ble Supreme Court observed that extension

cannot be granted just because some seats are lying vacant without there being any other justification.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably the appellant's rank in NEET All India Rank (UG Medical) was 1195758 and that on the basis of such ranking, she did not come within the zone of consideration in the rounds of counselling held earlier to the Special Stray Vacancy Round. The tentative schedule of Special Stray Vacancy Round as incorporated in the memo dated 19th December, 2025 reveals that the said Special Stray Vacancy Round was held in two parts. In the first part, the appellant was offered choices in fifteen different institutes, however, she did not come within the zone of consideration on the basis of her ranking and was accordingly not allotted any seat. Thereafter, the second part of Special Stray Vacancy Round was conducted including the non-reported seats in which the appellant did not participate. The grievance, as urged before us that the vacancies in which the allotted candidates did not join were not included in the second part of Special Stray Vacancy Round has, however, not been cited as a ground in the last representation filed by the appellant on 6th January, 2026 before approaching the writ Court. We have been informed the last candidate who had been

recommended, secured the rank 949372 whereas the appellant's rank was much lower to the same.

In view thereof, we do not find any reason to interfere with the order impugned in the present appeal.

Accordingly, the appeal and its connected application are dismissed.

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

All parties shall act on the server copies of this order duly downloaded from the official website of this court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)