

11.06.2026
Item No.02
Court No.11
(Susanta)

**FMA 311 of 2026
with
IA No. CAN 1 of 2026**

**Alok Kumar Verma
- Versus -
The State of West Bengal & Ors.**

Mr. Partha Chakraborty
Ms. Priti Burman

... for the appellant

Mr. Arka Kumar Nag
Ms. Deboleena Ghosh
Mr. S. Bandopadhyay

.... for the WBMCC

Mr. Sunit Kumar Roy,

.... for the NMC

The present appeal has been preferred challenging an order dated 28th January, 2026 passed by the learned single Judge in a writ petition being WPA 1093 of 2026. The said writ petition was preferred primarily praying for issuance of necessary direction upon the respondents *‘to immediately consider the issue of allotment of an M.B.B.S. seat to the petitioner for the Academic Year 2025-26 from the pool of existing vacant seats, for sub serving justice in favour of the petitioner’*. Upon contested hearing, the writ petition was dismissed observing, *inter alia*, that the writ petitioner/appellant herein failed to report for admission to the seat allotted to him and was also unable to pay the amount of Rs. 20 lakhs for admission in the concerned vacancy.

Mr. Chakraborty, learned advocate appearing for the appellant strenuously argues that the appellant was issued a provisional allotment letter as per his rank in the National Eligibility-cum-Entrance Test (Undergraduate)-2025 (hereinafter referred to as NEET). The same was downloaded by him on 26th December, 2025. Immediately thereafter, he paid an amount of Rs.5 lakhs on 27th December, 2025. Thereafter, he could approach the authorities for payment of further amount on 30th December, 2025 as there were intervening Bank holidays but he was informed that as he had failed to deposit the entire amount within the stipulated period, his allotment has been cancelled. Such drastic cancellation of allotment was utterly illegal and devoid of procedural fairness. The learned single Judge glossed over the said issue, as urged, and without returning any finding on the same, dismissed the writ petition by a cryptic order.

He contends that the information bulletin and the counseling schedule did not provide for cancellation of allotment for a single lapse and the respondents ought to have considered the appellant's grievance as ventilated through the representation dated 30th December, 2025, prior to such cancellation and

denial of opportunity to avail admission in the medical course.

Mr. Nag, learned advocate appearing for the respondent no. 3 submits that the appellant was aware of the specific provisions as regards the mode and manner of payment and the date specified for such payment in respect of private college Management Quota seat. Indisputably, the appellant has failed to report along with entire amount required to be deposited within the stipulated period. The provisional allotment of the seat in favour of the appellant was rightly cancelled due to appellant's laches and as such the learned single Judge rightly refused to exercise discretion in his favour.

He further submits that the course has commenced from the month of September, 2025 and question of revival of the provisional allotment letter and for admission of the appellant, at this stage, does not occasion.

Mr. Roy, learned advocate appearing for the respondent no. 7 submits that no legal right of the appellant has been infringed warranting any interference. Admittedly, the appellant could not report and deposit the entire amount within the time stipulated. In support of such contention, reliance has been placed upon memo dated 19th December,

2025 relating to Special Stray Vacancy Round of WB NEET UG Medical Dental Counselling. Let the documents, as placed, be kept on record.

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

Clause 5 of the memo dated 19th December, 2025 runs as follows:-

‘After allotment in a particular Private Medical/Dental College and after successful payment of the required amount of Rs. 50,000 for Private College State Quota Seats and Sum of Rs. 5 Lakh for Private College Management Quota Seats, if the candidate does not pay the rest of the amount of designated fees as published in the counseling website at the time of admission, this already paid of Rs. 50,000 for Private College State Quota Seats and Sum of Rs. 5 Lakh for Private College Management Quota Seats will be forfeited and such allotted seat will be declared non-reported. This is to minimize the wastage of precious Medical and Dental seats across the State’.

The appellant has admittedly failed to deposit the designated fees as published in the counselling website at the time of admission. The appellant was also aware of the consequence of such failure to deposit the fees within the period stipulated. Such strict timeline has been provided with an intent to minimize the wastage of precious Medical and Dental seats across the State.

In the said conspectus, the learned single Judge refused to exercise discretion in favour of the appellant and we do not find any infirmity in the order impugned warranting interference in appeal.

The appeal and the connected application are, accordingly, dismissed.

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

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

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