06.11.2026
Item No.62
Ct. No. 03
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W.P.A. 31673 of 2026
Adhyasha Acharya @ Adyasha Acharya
Vs.
The Union of India & Ors.

Mr. Saptansu Basu, Sr. Adv.
Mr. Narayan Debnath
Ms. Bishalaxmi Ghosh
Ms. Tanima Debnath
...For the Petitioner.

Mr. D. N. Ray, Ld. G.P.
Mr. D. Gupta, Ld. A.G.P.
Mr. Madhu Jana, Ld. J.G.A.
Mr. Nripendra Pratap Singh
Mr. Guddu Singh
Mr. Biswanath Banerjee
Mr. D. Pal
... For the State.

Mr. Anil Kr. Gupta
Mr. T. Ghosh
.....For the U.O.I.

Mr. Atindra Chowdhury
.....For the Respondent No.8

Mr. Pijush Biswas
.....For the Respondent No.9

Affidavit of service filed by the petitioner is taken on record.

Leave is granted to the petitioner to file a supplementary affidavit.

The petitioner is a NEET–UG 2026 qualified candidate and her ranking is (AIR 211645). The petitioner has, inter alia, prayed for the following directions:-

(b) Issue a writ in the nature of mandamus and/or a writ in the nature thereof directing the

Respondent authorities, particularly Respondent Nos.6 and 7, to consider and dispose of the Petitioner's representations, dated seeking cancellation/release of the Round 2 Private Management Quota MBBS seat allotted to respondent no.8 by a reasoned and speaking order within such short time as this Hon'ble Court may deem fit;

c) Issue a writ in the nature of mandamus directing the respondent authorities to release and reallotment the seat in the appropriate online counselling process and allotment strictly in accordance with NEET UG merit, category/quota eligibility, candidate preferences and the governing rules, without any direct admission by Respondent No.9 and without any guaranteed allotment to the Petitioner;

d) Issue a writ in the nature of mandamus in the alternative, if the Respondents consider that the matter requires an exceptional or special counseling mechanism, direct them to place the matter before the competent State authority and take a lawful, reasoned decision within a time-bound period, without permitting any direct or offline admission by the Petitioner."

Mr. Basu, learned senior counsel appearing for the petitioner, placed reliance on an e-mail dated 15th October, 2026, from which it appears that Bishal

Roy/Respondent No.8 requested the Admission Authority, JIS School of Medical Science and Research/Respondent No.9 to cancel his admission.

Mr. Basu submits that in view of the e-mail dated 15th October, 2026, a vacancy arose and such vacancy should be filled up in accordance with law.

In support of his contention Mr. Basu places reliance on an order dated 20th December, 2024 in W.P. (C) No.833/2024 passed by the Hon'ble Supreme Court. In paragraphs 5 and 6 of the said order the Hon'ble Supreme Court, inter alia, observed as follows:-

> *"5. Taking into consideration the peculiar facts and circumstances and further that the precious medical seats should not go in waste, when the country is facing acute shorts of Doctors, we are inclined to extend the period by way of a last chance.*
> *6. The Admission Authorities are, therefore, directed to hold a fresh stray/special counselling for the seats remaining vacant and complete the admission process prior to 30.12.2024 in any eventuality."*

Learned counsel appearing for the Union of India, State/respondent, respondents nos. 8 and 9 are present.

It appears from the Memo dated 4th November, 2026, issued by the Department of Health and Family Welfare, Government of West Bengal that the last date for publication of the list of successfully verified candidates and publication of the seat matrix for the Special Stray Round for MBBS and Round 5 of BDS

had been fixed by the respondent authorities up to 5 pm, 6th November 2026.

In view of the extreme urgency involved in this matter, the same is taken up out of turn.

Having considered the rival submissions and the materials on record, I direct the respondent no.6 to fill up the vacancy in question, which arose in view of the e-mail dated 15th October, 2026, sent by Mr. Bishal Roy/respondent no.8, strictly in accordance with law.

With the above direction, the writ petition stands disposed of.

(Arjun Ray Mukherjee, J.)