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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 30053 of 2025

**MANYA TRIPATHI
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Sarwar Jahan, Advocate
Mr. Gourav Das, Advocate
Mr. Intiaz Ahmed, Advocate
Ms. Tapati Sarkar, Advocate
Mr. Panchanand Shaw, Advocate

.....for the Petitioner

Mr. Sirsanya Bandopadhyay, Ld. JSC
Mr. Arka Kumar Nag, Advocate
Ms. Deboleena Ghosh, Advocate

.....for the WBMCC

Mr. Md. Ahsanuzzaman, Advocate
Ms. Dipa Bhattacharya, Advocate

.....for the State

Mr. D.N. Maity, Advocate

.....for the Respondent Nos. 6 & 7 (WBUHS)

Mr. Asumdipta Santra, Advocate

.....for the Respondent Nos. 9 & 10 (JGIMS)

Mr. Sunit Kumar Roy, Advocate

.....for the Respondent No. 8 (NMC)

1. The petitioner is a successful candidate who had been allotted a seat in the Jagannath Gupta Institute of Medical Sciences & Hospital, the respondent no. 10 herein. The petitioner is a resident in the State of Punjab, District – Ludhiana.
2. Mr. Jahan, learned Advocate appearing for the petitioner, submits that the petitioner was intimated on 26.12.2025 that she was a successful candidate and that she would have to take admission into the College by 27.12.2025.
3. The petitioner had immediately taken steps, purchased tickets to fly to Kolkata. However, due to inclement weather conditions, the flight was initially delayed and was thereafter cancelled. Thus, the

petitioner was unable to take admission into the College by the stipulated date.

4. Even though the petitioner approached the College soon thereafter, the College authorities informed the petitioner that due to the reason of the petitioner not taking admission, her seat had fallen vacant and had been allotted to the next deserving candidate. It was in these circumstances, that the petitioner had approached this Hon'ble Court by filing the present writ-petition.
5. In view of the urgency in the matter, the same was moved before the Vacation Bench of this Hon'ble Court on 31.12.2025 and an order was made on the submission of the respondent nos. 9 & 10 that a seat was still lying vacant and that the concerned respondents, particularly the respondent no. 4 would keep one seat vacant, which would not be filled up without the leave of this Court. This, in spite of the fact that the respondent no. 4 had submitted that there was no vacancy in the said College as on 31.12.2025.
6. In view of the discrepant stands between the respondent no. 4, the Committee and the respondent nos. 9 & 10, the concerned College, an affidavit was called for which has been filed today and taken on record. The College has in no uncertain terms, in the said affidavit stated that there is a vacant seat in the said College.
7. It is true that the time to take admission in the College had expired on 27.12.2025. However, it is equally true, that the petitioner cannot be foisted with any liability of negligence or any other act of omission or commission, which can be ascribed as a fault on her part in not taking admission in the

College within the stipulated time. It is not in dispute that the petitioner is not only an eligible but also a meritorious student who had been allotted a seat in the Medical College and the denial of a right to obtain admission in the said College, for no fault of her, seems an act of gross injustice.

8. The Hon'ble Supreme Court of India in the decision of ***S. Krishna Sradha Vs. The State of Andhra Pradesh & Ors.*** (2019 Supreme (SC) 1363) has categorically laid down certain parameters which are to be taken into consideration while dealing with a matter of present nature. Relevant portion of the said decision is extracted hereinbelow:-

“The aforesaid question is required to be considered only to the cases where (i) no fault is attributable to the candidate; (ii) the candidate has pursued her rights and legal remedies expeditiously and without delay; (iii) where there is fault on the part of the authorities and apparent breach of rules and regulations; and (iv) candidate is found to be more meritorious than the last candidate who has been given admission.”

9. In terms of the parameters set forth by the Hon'ble Apex Court in the afore-stated decision, it is clear that the default is absolutely circumstantial and is not attributable to the petitioner. It is also equally clear that the petitioner had pursued her rights and legal remedies expeditiously and without delay.
10. Mr. Roy, learned Advocate appearing for the National Medical Commission, the respondent no. 8 herein, has also submitted a schedule of NEET-UGC for 2025, wherefrom it clearly appears that the last date of joining for a successful candidate is 10.01.2026 and the portal for filling up the form and making the requisite payments is also open.
11. The petitioner being an eligible and meritorious

student, who had been granted admission, cannot be made to suffer for no fault of her and it is imperative that in the peculiar facts and circumstances of this particular case, the petitioner be given an opportunity to take admission in the College to fulfill her dreams.

12. The respondent authorities are directed to render all assistance to the petitioner to ensure that the petitioner is able to complete all the formalities for taking admission to the College by 09.01.2026.
13. The West Bengal Medical Counseling Committee, the respondent no. 4 herein, after such admission, shall take necessary steps to follow up and complete the admission procedure of the petitioner.
14. The Medical Counseling Committee, Government of India and the National Medical Commission, Government of India, the respondent nos. 5 & 8 herein, shall extend all cooperation in this regard to the respondent no. 4 as well as respondent nos. 9 & 10.
15. The petitioner is directed to communicate this order to all the concerned respondents on the basis of a server copy, duly downloaded from the official website of this Court.
16. With these directions, **WPA 30053 of 2025 is disposed of.**
17. Urgent Photostat Certified Copy of this order, if applied, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

