

14.07.2022
Court No.1
Item No.25
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 26 of 2019
With
CAN 1 of 2019**

**The Registrar in Charge,
West Bengal University of Health Sciences
Vs.
Medhasree Goswami and Ors.**

Mr. D.N. Maiti
Mr. A. Santra

... For the appellant.

Mr. Partha Pratim Roy
Ms. Suman Sehanabis

... For the respondent/writ petitioner.

The appeal was admitted by a Coordinate Bench on 13th March 2020. The appeal was directed against the order dated 5th September 2019 passed by the learned Single Judge. The Coordinate Bench placed reliance on the decision of the Supreme Court in the case of **S. Krishna Sradha Vs. State of Andhra Pradesh and Ors.** reported in **2019 SCC Online SC 1609** declined interim relief in course of an appeal on the ground that the petitioners could not be categorized as meritorious students. The Coordinate Bench called for affidavit.

In the affidavit-in-opposition filed by the respondents/writ petitioners, it is submitted that the persons ranking below the petitioners have been granted admission.

It is also submitted that the counseling for the new session for the MBBS course will commenced in August 2022.

Counsel for the appellant seeks time. No affidavit-in-reply has been filed.

This Court is, therefore, prima facie of the view that the petitioner should be at least to allow to participate in the counseling session for the admission process that shall commence in August 2022 for the admission to the MBBS course in the West Bengal University of Health Sciences.

Time to file affidavit-in-reply is extended for a period of two weeks.

Liberty to mention the appeal and application for hearing before the next available Circuit Bench at Jalpaiguri.

Needless to mention that the respondents/petitioners will be permitted counseling under the Economically Weaker Sections category. Such counseling and result thereof shall abide by the final result of the instant appeal.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)