

September 29, 2016

TO WHOM IT MAY CONCERN

Please note that on 26th September, 2016 an order was passed by His Lordship the Hon'ble Justice Debangsu Basak in W.P. No.19105 (W) of 2016 (Shreyashi Ghosh & Anr. -vs- The State of West Bengal & Ors.) and W.P. No.19213 (W) of 2016 (Jaswant Jaisankar & Ors. -vs- The State of West Bengal & Ors.) directing us as follows:-

"Two writ petitions challenging the process of admission in a private medical college are taken up for hearing.

None appears for the private medical college.

The State and the Medical Council of India are represented.

The learned advocate for the writ petitioner in W.P. 19105 (W) of 2016 relies upon an order passed by the Hon'ble Supreme Court of India dated September 22, 2016 in a contempt petition. He submits that the Hon'ble Supreme has directed a centralized State Counselling for the purpose of consideration of allocation of seats to a candidate. He submits that, the same procedure may be followed so far as the private medical colleges are concerned in the State.

The learned advocate for the writ petitioner in W.P. 19213 (W) of 2016 submits that the earlier process should not be disturbed and that any direction passed by the Court should be prospective.

The learned Additional Advocate General appearing for the State referring to the order dated September 22, 2016 submits that the time period is too short for the State to complete the entire process de novo. However, the State is willing to undertake the process as expeditiously as possible and will endeavour to complete the process within the time limit fixed by the Hon'ble Supreme Court.

I have considered the rival contentions of the parties and the materials made available on record.

The Hon'ble Supreme Court of India in the order dated September 22, 2016 has considered Their Lordships the judgement and order dated May 2, 2016 passed in Civil Appeal No. 4060 of 2009 (Modern Dental College and Research Centre & Ors.-Vs-State of Madhya Pradesh & Ors.)

The relevant portion of the order dated September 22, 2016 passed by the Hon'ble Supreme Court of India is as follows:-

"We have heard the learned counsel for the parties at length. We observe that mandate of our judgment was to hold centralized entrance test followed by centralized state counselling by



29/9/16

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the State to make it a one composite process. We, therefore, direct that admission to all medical seats shall be conducted by centralized counselling only by the State Government and none else.

If any counselling has been done by any College or University and any admission to any medical seat has been given so far, such admission shall stand cancelled forthwith and admission shall be given only as per centralized counselling done by the State Government”

In such view, the State authorities are requested to follow the directions issued by the Hon’ble Supreme Court of India. The State authorities are willing to undertake the centralized counselling process as directed by the Hon’ble Supreme Court of India. The parties are at liberty to approach such forum as they are advised for redressal of their grievances, if any.


.....”.

In this circumstances, though we invite proceeding with the counseling in terms of our earlier notice, we are constrained to inform you that we can give effect to admission in terms thereof only subject to either ratification of the entire counseling process by the State Government or suitable modification of the order dated 26th September, 2016 passed by the Hon’ble Appellate Court.

By Order: 29-09-2016

Dr. Siddhartha Chakraborty



Principal 
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