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Hasibur Rahaman Mondal & Ors vs State Of West Bengal State & Ors on 14 August, 2026

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Calcutta High Court (Appellete Side)

Hasibur Rahaman Mondal & Ors vs State Of West Bengal State & Ors on 14 August, 2026

Author: Amrita Sinha

Bench: Amrita Sinha

2026:CHC-AS:1271

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA No. 21501 of 2026

Hasibur Rahaman Mondal & Ors.
Vs.
State of West Bengal State & Ors.

For the writ petitioners	:-	Mr. Samim Ahammed, Adv. Mr. Arka Maity, Adv. Mr. Enamul Islam, Adv. Mr. Md. Nasirul Haque, Adv. Ms. Reshma Khatun, Adv. Ms. Sabnam Mostari, Adv.
For the State	:-	Mr. Surajit Nath Mitra, Ld. AG. Mr. Piyush Chaturvedi, Sr. Adv. Mr. Chandrachur Lahiri, Adv.
For the WBMCC	:-	Mr. Billwadal Bhattacharyya, Ld. AAG Mr. Srijib Chakraborty, Adv. Mr. Aditya Mondal, Adv.
For NTA/ Respondent no. 4	:-	Mr. U.S. Menon, Adv. Mr. Abhirup Chakraborty, Adv.
For respondent no. 5	:-	Mr. Shiv Shankar Banerjee, Adv. Mr. Siddharth Chouria, Adv. Mr. Adhip Narayan Banerjee, Adv.
Heard on	:-	14.08.2026
Judgment on	:-	14.08.2026
Judgment uploaded on	:-	14.08.2026

Amrita Sinha, J.:-

1. Eight petitioners have filed the instant writ petition claiming benefit of reservation under Economically Weaker Section (EWS) category. The

petitioners appeared in National Eligibility cum Entrance Test (UG)- 2026 (NEET). The petitioner no. 4 disclosed herself to be OBC-NCL (Central List)

category. Rest of the petitioners disclosed themselves to be in the General category.

2. The case made out by the petitioners is that a Notice cum Information Bulletin for NEET candidates was published by the Directorate of Medical Education, Government of West Bengal on 11th August, 2026 disclosing the steps that would be followed at the time of counselling in West Bengal for Undergraduate Medical and Dental State Quota, Private College Management Quota and NRI Quota Seats, 2026.

3. In the said notice it was mentioned that candidates who belong to EWS of West Bengal and are domicile of the State, shall be considered as reserved category candidate for West Bengal State Quota Seats provided their EWS certificate is successfully verified. Such certificate must be issued on or after 1st April, 2026 by the appropriate authority in the appropriate format.

4. Submission of the petitioners is that the application form for appearing in NEET had to be filed between 8th February, 2026 and 8th March, 2026. There was no scope for the candidates to procure EWS certificate issued 'on or after 1st April, 2026'.

5. At the time of submission of the application form, the petitioners did not possess the EWS certificate, but after 1st April, 2026 the petitioners have been able to obtain the EWS certificate. Relying on such certificate, reservation ought to be provided to the petitioners.

6. It has been submitted that there is a provision for stating the category status afresh during the registration process of WB NEET UG Medical/Dental Counselling, 2026 for the candidates who declared his/her status as General or OBC during NEET UG 2026 examination registration process. There is no provision for fresh declaration of SC/ST/EWS/PWD status. According to the petitioners, the same amounts to discrimination amongst the various categories of the candidates.

7. It has been argued that as the Ministry of Social Justice and Empowerment and the Department of Higher Education has issued necessary order for implementation of reservation of EWS candidates for admission in educational institutions, accordingly, the benefit of reservation under EWS category ought to be provided to the petitioners relying on the EWS certificate issued in their favour after 1st April, 2026.

8. Prayer has been made to permit the petitioners to be registered in the counselling process which has started from 13th August, 2026 and will

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continue till 16th August, 2026 under the EWS category.

9. Learned Advocate General opposes the submission and the prayer of the petitioners. It has been submitted that as the petitioners did not disclose themselves as members of EWS category at the time of filing the application form for appearing in the examination, as such, at such belated point of time, when the counselling process has begun, the petitioners cannot be permitted to change their category status.

10. It has been submitted that the entire merit list will be disrupted if candidates are permitted to change their category status after the counselling process has begun.

11. In support of the aforesaid submission, the learned Advocate General relies on the judgment delivered by the Hon'ble Supreme Court in the matter of Divya vs. Union of India & Ors. reported in (2024) 1 SCC 448 : 2023 INSC 900.

12. Learned senior counsel representing the West Bengal Medical Counselling Committee (MCC) submits that MCC is responsible for conducting online counselling for allotment of UG seats to the eligible and qualified candidates in participating Government Medical/Dental colleges every year. The allotment of seat to the candidates is made based on the all-India rank of NEET-UG examination conducted by National Testing Agency (NTA).

13. The information for candidates available in the Information Bulletin and Counselling Scheme of NEET-UG (MBBS/BDS/B.Sc.Nursing) Counselling, 2026 clearly mentions that a candidate should ensure that all the information filled during the online submission of application is correct and factual. MCC shall not entertain, under any circumstances, any request for change in the information provided by the candidates.

14. The Information Bulletin further discloses that MCC does not change/edit/modify/alter any information (name, DoB, category, contact details etc.) entered by the candidate at the time of online submission of application form for counselling under any circumstances. The information

- the data entered by the candidate at the time of registration on NTA portal is pre-populated and used for counselling purpose - is mentioned in bold letters.

15. It has been submitted that the timeline mentioned at the time of filing the

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application for appearing in NEET is required to be strictly followed. The petitioners have approached the Court long after lapse of the window provided for effecting changes or to make modification in the application form. The petitioners are guilty of delay and laches. The writ petition ought not to be entertained on this ground alone.

16. It has also been argued that the writ petition is a speculative one. The petitioners themselves disclosed their status as either General or OBC-NCL. Taking advantage of the Notice-cum-Information Bulletin published by the Government of West Bengal on 11th August, 2026, the petitioners have tried to make out a case of discrimination which is absolutely misconceived. It has been contended that the notice dated 11th August, 2026 and the Information Bulletin and Counselling Scheme of MCC have to be read in conjunction with each other.

17. According to MCC, the writ petitioners are trying to change the rules of the game once the game has begun, which is impermissible in law. The candidates were required to disclose their category at the time of filing of application form for appearing in NEET. Permitting the candidates to change their category after the results have been declared and the

counselling process has begun would amount to changing the rules of the game, which the Court ought not to permit.

18. In support of the aforesaid submissions, learned senior counsel representing MCC relies on the decision passed by the Hon'ble Supreme Court on 10th April, 2026 in SLP(C) no. 4001-4002 of 2023 Poonam Dwivedi & Ors. -vs- State of UP & Ors. reported in 2026 INSC 351.

19. It has been submitted that counselling for 15% All India quota seats and the balance 85% State quota seats are conducted simultaneously and both are intrinsically connected. Any change in the category of a candidate at the stage of counselling would consequently have a direct and substantial impact upon the inter-se merit position of the candidate within the EWS category and may result displacement of candidates who duly declared their EWS status at the prescribed stage.

20. Learned advocate representing NTA submits that after closure of the submission of the application form on 8th March, 2026, a window was provided to the candidates for correction of the entries made by the candidates in the application form. After the result of the examination is declared and merit list of the candidates is published, there is no scope to permit a candidate to change his category status.

Archived court-text mirror print of https://indiankanoon.org/doc/93149037/ — not an official or certified court PDF. Page 4

21. It has been submitted that NTA conducts examination of a few lac of candidates and the merit list takes into consideration the category status of a candidate. Any change sought to be made at this stage would have a

rippling effect on the entire admission process. The prayer of the petitioners ought not to be allowed.

22. In support of such submission learned counsel for NTA relies on the judgment delivered by the Hon'ble High Court of Delhi on 13th December, 2022 in LPA 527/2022; Shyam Sunder -vs- Union of India & Anr. reported in 2022:DHC:3953-DB.

23. Reliance has also been placed on the order passed by the Hon'ble High Court of Gujarat at Ahmedabad on 25th May, 2026 in R/Special Civil Application no. 7565 of 2026; Vismay -vs- Union of India & Ors.

24. The respondents pray for dismissal of the writ petition.

25. I have heard and considered the submissions made on behalf of all the respective parties and have perused the materials placed before this Court.

26. NEET is being conducted on pan-India basis and several lacs of candidates appear in the said examination. NTA conducts the said examination and publishes an all-India rank merit list. The said list is relied upon for admission of all candidates either in the Central quota or the State quota. The policy of reservation under several categories namely General-EWS, SC, ST, OBC-NCL and PwD is followed.

27. The authority is required to maintain absolute transparency and fairness in the entire admission process. The rules at every stage of the admission process have to be scrupulously followed. There is no scope to show any leniency or undue advantage to any particular candidate or any set of

candidates. All candidates ought to be treated equally without any discrimination.

28. The result of the examination was published on 14th July, 2026. A merit list of candidates in respect of the entire country was published considering inter-se merit of the candidates.

29. The petitioners, at the time of filing the application form for appearing in NEET, did not disclose their category as EWS. Specific disclosure made in the application form as regards category is either General or OBC-NCL. The same implies that at the time of filing of application form, the very first step for admission in the medical course, the petitioners were aware that they

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do not belong to the reserved category and would not be entitled to get the benefit of reservation.

30. Their first step in the admission process was in the unreserved category. None of the candidates possessed EWS certificate on the date of filing the application form for appearing in NEET. The petitioners allege discrimination on the ground that the notice of the State permits the candidates belonging to the General or OBC category to state their category status afresh during the registration process of counselling. There is no provision for fresh disclosure of category status in respect of EWS candidates.

31. The aforesaid submission of the petitioners appears to be absolutely fallacious. The petitioners ought to have appreciated that the candidates are required to disclose their category status at the time of filing their

application form for admission. For getting benefit of reservation under EWS category, the candidates ought to have possessed a valid EWS certificate on the date of filing the application form. Subsequent possession of EWS certificate would not change the status of the candidate as declared at the time of filing the application form.

32. The Notice cum Information Bulletin of the State mentioning that for obtaining the benefit of EWS reservation, the candidates must possess EWS certificate issued on or after 1st April, 2026 does not mean that the candidate would not be required to possess a valid EWS certificate on the date of filing the application form. There is no concession mentioned anywhere in the Notice cum Information Bulletin of the State which prescribes that a candidate seeking benefit of EWS reservation is not required to have a valid EWS certificate on the date of filing the application, but is only required to have an EWS certificate issued on or after 1st April, 2026. If the submission of the petitioners is accepted, then the candidates, who possessed EWS certificate issued prior to 1st April, 2026, would be treated as ineligible to appear in NEET. Such explanation of the petitioners cannot be accepted under any circumstances.

33. The allegation of discrimination appears to be misconceived at the same time, particularly in view of the fact that, the status of reservation under EWS category is completely different from the reservation under other categories where the status does not vary from one financial year to the other. EWS certificate is issued upon taking into consideration the income and asset certificate of a candidate in respect of a particular financial year.

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The income and asset of a person is variable and there is every possibility that the same may change from year to year.

34. The petitioners ought to have appreciated that after publication of the all-India rank of the candidates, any change in the category status of one candidate will certainly have repercussion in the inter-se merit list of all the other candidates. The same will result in absolute uncertainty and cause serious disruption in the entire list. As the examination is conducted on all-India basis, the merit list of the candidates ought not to be disturbed.

35. The petitioners have failed to appreciate that any relief granted to them would cause prejudice to the candidates who applied in the EWS category at the time of filing the application form. The said candidates may get a better option at the stage of counselling if they are placed higher up in the rank list. A right has accrued in favour of those candidates who secured a position in the all-India rank list. Dislodging the candidates from their rank position would amount to infringing their right without hearing them. The same would be absolutely unfair and illegal at the same time.

36. In the case at hand, the game began with the publication of the notice of the admission process followed by filing of the application form by the candidate. After publication of the merit list, allowing the candidate to change the category status, would certainly amount to interfering and changing the rule of the game. The same is barred in law.

37. The petitioners have viewed the situation in a very constricted approach. The larger ramification, if the prayer of the petitioners is allowed, has been overlooked by them.

38. The Information Bulletin of NEET unequivocally discloses that the all-India merit list of qualified candidates is prepared based on all-India rank and the candidates are admitted in the courses by strictly maintaining the existing reservation policy. The petitioners cannot simply overtake and try to steal a march over the candidates who have already disclosed their reservation status at the time of filing the application form by procuring EWS certificate of a later date. Such type of lateral entry of reserved candidates would cast a shadow on the sanctity of the all-India merit list and would lead to complete anarchy. The same ought not to be allowed.

39. Interfering with merit list at such a late stage would also disrupt the time schedule fixed for start of the course, which has already been delayed. The

Archived court-text mirror print of https://indiankanoon.org/doc/93149037/ — not an official or certified court PDF. Page 7

timeline for concluding the admission process ought not to be stretched any further.

40. Divya (supra) laid down that candidature of candidates claiming benefit under EWS category relying on certificate issued beyond the stipulated deadline cannot be considered.

41. Poonam (supra) reiterated the same proposition that for claiming reservation under EWS category, certificate of the specified financial year in the prescribed form must be in possession of the candidate on or before the cut-off date.

42. In Shyam (supra) the Court clearly held that JEE examination is taken by lakhs of students. Permitting change in category will result in redrawing of the entire result which will have a ripple effect of upsetting the entire selection process and allocation of seats to other candidates. The said examination process cannot be tinkered lightly.

43. Vismay (supra) laid down that a candidate applying as General category, having being declared successful, cannot be permitted to change category to EWS.

44. Though the learned counsel for the petitioners has tried to distinguish the above precedents and submits that the same would not be applicable in the facts and circumstances of the instant case, as in the present case the authority has permitted candidates to rely upon EWS certificate issued on or after 1st April, 2026, but such stand of the petitioners cannot be accepted. The Information Bulletin published at the time of filing the application form for NEET and the Notice cum Information Bulletin published by the State in August, 2026 have to be read in conjunction with each other. None can be read in isolation or else the entire admission process would get unsettled.

45. In view of the discussions made hereinabove, no relief can be granted to the petitioners in the instant case.

46. The writ petition fails and is hereby dismissed.

47. No costs.

48. All parties to act on the basis of the server copy of this judgment duly downloaded from the official website of this Court.

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49. Certified server copy of this judgment, if applied for, be supplied to the parties or their advocate on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

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