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22.10.2024
SD/KC

WPA 26086 of 2024

Pronay Maity & Ors.

Vs.

Department of Health and Family Welfare, service through the
Secretary, Government of West Bengal & Ors.

with

WPA 26087 of 2024

Nirjan Bagchi & Anr.

Vs.

Department of Health and Family Welfare, service through the
Secretary, Government of West Bengal & Ors.

Mr. Dwaipayan Basu Mallick

Mr. Sayantan Kar

... for the petitioners (WPA 26086 of 2024)

Mr. Arkaprava Sen

Mr. S. Kar

... for the Petitioners (WPA 26087 of 2024)

Mr. Swapan Banerjee

Ms. Sunita Shaw

Ms. Amrita Tewari

.... for the State (WPA 26086 of 2024)

Mr. Swapan Banerjee

Ms. Rupsha Chakraborty

Mr. S. Maitra

.... for the State (WPA 26087 of 2024)

Mr. Suman Sengupta

Ms. Amrita Panja Moulick

.... for the R.G. Kar MCH

The petitioners appear to be aggrieved by an
order dated October 5, 2024 passed by the Special College

Council Members of R. G. Kar Medical College and Hospital in its meeting held on October 5, 2024.

The petitioners allege that they have been arbitrarily subjected to the orders of suspension as well as orders of expulsion.

The learned Advocate appearing for respondent no.2 acknowledges that the Special College Council Members of R. G. Kar Medical College and Hospital lacks the authority to suspend or expel the petitioners. He submits that the order dated October 5, 2024, is a mere recommendation. The Council has forwarded the said recommendations to the State Government for taking further actions.

He has produced a letter dated October 5, 2024, whereby the decision dated October 5, 2024 has been forwarded to the Director of Medical Education for taking further steps from his end.

In view of the aforesaid, there is no scope to implement any of the resolutions as adopted by the Special College Council Members of R. G. Kar Medical College and Hospital on October 5, 2024, at this juncture.

It is clarified that resolution dated October 5, 2024 shall not be given any effect to until and unless a

decision is arrived at by the State in this regard in accordance with law.

Mr. Kallol Basu, learned advocate, seeks to intervene in this matter on behalf of R. G. Kar Medical College Residents' Doctors Association. Prima facie, I am not satisfied with the locus of the said Association to intervene in this matter.

However, I grant liberty upon Mr. Bose's client to make application for addition of party in these matters.

List this matter one week after Puja Vacation before the Regular Bench.

(Kausik Chanda, J.)