

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

The Hon'ble Justice Sabyasachi Bhattacharyya

**WPA 5460 of 2020
IA No: CAN 1 of 2020
(Old No: CAN 3163 of 2020)**

**Dr. Goutam Nemo
Vs.
State of West Bengal and others**

With

**WPA 5821 of 2020
IA No: CAN 1 of 2020
(Old No: CAN 3840 of 2020)**

**Dr. Moitreyee Chowdhury and others
Vs.
State of West Bengal and others**

With

**WPA 5822 of 2020
IA No: CAN 1 of 2020
(Old No: CAN 3841 of 2020)**

**Dr. Sourav Chattopadhyay and others
Vs.
State of West Bengal and others**

For the petitioner	:	Mr. Subir Sanyal, Mr. Amiya Kumar Dutta, Mr. Swadesh Priya Ghosh
For the State	:	Mr. Kishore Datta, Mr. Sirsanya Bandopadhyay
For the WBUHS	:	Mr. Supratic Roy
For the MCI	:	Mr. Indranil Roy, Mr. Sunit Kumar Roy
Hearing concluded on	:	05.10.2020
Judgment on	:	10.11.2020

Sabyasachi Bhattacharyya, J:-

1. Apart from advancing oral arguments, written notes of arguments have been filed by both sides. This court records its appreciation of the precision and specificity of such notes.
2. These matters are heard together in view of the identity of causes of action. The petitioner in each of the three writ petitions is a medical practitioner, holding an MBBS degree and in employment of the Government West Bengal, Department of Health and Family Welfare. They belong to the cadre of West Bengal Health Service.
3. The primary challenge in the writ petitions is against a Notification dated February 26, 2020, issued by the Special Secretary to the Government of West Bengal, Health and Family Welfare Department in terms of the proviso to Regulation 9(IV) of the Post Graduate Medical Education Regulations, 2000 (hereinafter referred to as “the 2000 Regulations”) issued by the Medical Council of India (MCI) whereby it was notified on behalf of the Governor that from the academic session 2020 onwards, for selection of candidates/admission in Post Graduate Courses, weightage will be given to the in-service Doctors, who are the Officers of the West Bengal Health Service/West Bengal Public Health-cum-Administrative Service/West Bengal Medical Education Service, serving in rural areas or remote and/or difficult areas. The impugned Notification also provided for the scheme of incentives and the meaning of the terms “Rural Areas” and

“Remote and/or Difficult Areas”. A consequential Memorandum dated March 4, 2020, clarifying that in the light of recent judicial pronouncements there shall be no reservation of seats for in-service Government Doctors for admission into Post Graduate Degree Courses from the academic session 2020; however, for admission into Post Graduate Diploma courses, the existing provisions/dispensation relating to reservation of seats for in-service Government Doctors shall continue to operate in terms of No.HF/O/MERT/433/W-43/13 dated April 18, 2013, is also under challenge.

4. Learned counsel for the petitioners in all the cases argues that the classification of certain regions into “Rural Areas” and “Remote and/or Difficult Areas” under the Notification dated February 26, 2020 is arbitrary, discriminatory and baseless. It is alleged that it causes prejudice to the petitioners, as contenders for weightage of marks for in-service Doctors on the basis of such classification.

5. Learned counsel for the petitioners relies on the following judgments:

- (i) *State of Haryana and another vs. Narendra Soni and others* – (2017) 14 SCC 642;
- (ii) *Dr. Amit Bagra and Ors. vs. State of Rajasthan and Ors.* – MANU/SCOR/52999/2017;
- (iii) *Medical Council of India vs. State of Karnataka and others* – (1998) 6 SCC 131;
- (iv) *Dr. Preeti Srivastava and another vs. State of M.P. and others* – (1999) 7 SCC 120;
- (v) *State of Kerala vs. Kumari T.P. Roshana and another* - (1979) 1 SCC 572;

- (vi) *Post Graduate Institute of Medical Education and Research & Anr. vs. A.P. Wasan & Ors.* – JT 2003(1) SC 431;
- (vii) *Swapan Kumar Maity vs. South Eastern Railways & Ors.* – (2007) 4 CHN 616 (DB);
- (viii) *Asha vs. PT. B.D. Sharma University of Health Sciences and others* – (2012) 7 SCC 389;
- (ix) *Md. Babul Aktar and Ors. Vs. Md. Nazir Hossain and Ors.* – MANU/WB/2534/2019 (DB).

6. *State of Haryana (supra)* and *Dr. Amit Bagra (supra)* are cited to indicate the criteria defining “remote and difficult areas”, indicated by the Supreme Court.
7. It is submitted by learned counsel for the petitioners that *Medical Council of India vs. State of Karnataka (supra)* and *Dr. Preeti Srivastava (supra)* lay down the law that MCI Regulations, framed with prior approval of the Central Government under Section 33 of the Indian Medical Council Act are mandatory and binding, since those are relatable to the quality of the medical professionals.
8. By placing reliance on Regulation 9(IV) of the 2000 Regulations, learned counsel for the petitioners submits that the same provides for the classification of remote/difficult areas. The dictionary meaning of the said term, it is submitted, is, “a place situated far from the main centres of population; distant”. Thus, it is argued that hospitals within Municipal/Town limits cannot fall within the purview of the said term.
9. The criteria stipulated by the Supreme Court in *Dr. Amit Bagra (supra)* have not been satisfied by the arbitrary inclusion of areas under ‘Unnayan’ (Development)

Parishads, since development itself is not a criterion contemplated by the Supreme Court to label an area as remote or difficult.

10. For example, learned counsel for the petitioners submits, municipal areas like Malda cannot be termed as remote or difficult but have been included within the fold of Unnayan Parishads, while similar municipal areas like Bankura have been left out from the area encompassed by such Parishads.
11. Both the decisions, referred to immediately above, accept the principles enunciated by the National Health System Resources Centre (NHSCR), Ministry of Health and Family Welfare, Government of India. Such parameters, factors or bases have not been considered or disclosed anywhere by the respondents, either in the decision-making process or in their affidavits-in-opposition, in including even municipal areas under the Unnayan Parishads, particularly pertaining to the Paschim Medinipur and Uttar Banga regions.
12. The petitioners argue that the standard of education fixed by the MCI cannot be affected or diluted by the respondents' notification.
13. Apart from *Dr. Preeti Srivastava (supra)*, the petitioners cited *Dr. Narayan Sharma and another vs. Dr. Pankaj Kr. Lehtar and others [(2000) 1 SCC 44]* and *Modern Dental College and Research Centre and others vs. State of Madhya Pradesh and others [(2016) 7 SCC 353]* in support of the above proposition.
14. The basic criterion, it is submitted, of assessing rural and difficult areas is the distance of the said area from the nearest 'sadar' town/district headquarter as

per *Dr. Amit Bagra (supra)*. Therefore 'Sadar' towns like Malda were wrongly included, merely by clubbing them under the broad head "Unnayan Parishads" without any rhyme or reason for such demarcation, thereby violating the aforesaid criterion.

15. That apart, certain specific instances of denying incentive marks, pertaining to one Dr. Tapash Ghosh and Dr. Tushar Kanti Acharjee of Malda Medical College are unexplained and arbitrary, as pointed out in paragraph-5(vi) at page-8 of the affidavit-in-reply filed by the petitioners.
16. It is further argued by the petitioners that the objections regarding non-joinder of the already-admitted candidates are baseless, since those candidates are, at best, beneficiaries of the alleged illegal actions of the respondents. The respondents are the best entities to answer the claims made by the petitioners on behalf of the admitted candidates. The relief which ought to be granted to the petitioners cannot be denied due to consequential inconvenience of such admitted candidates.
17. On this point, the petitioners rely on the judgments rendered in *Post-Graduate Institute of Medical Education and Research (supra)* (passed by the Supreme Court) and *Swapan Kumar Maity (supra)* (a Division Bench judgment of this court).
18. It is further argued that there cannot be any waiver/acquiescence on the part of the petitioners on the basis of mere participation of the petitioners in the counselling process arising out of the allegedly illegal grant of incentives. First,

since such participation was under compulsion, since counselling was being proceeded with by the respondents despite the objections raised by the petitioners; secondly, in view of the specific objections raised by the petitioners in that regard in their Notice of Demand dated April 17, 2020. Such notice raised specific grievances of illegal and arbitrary demarcation of the rural, remote and difficult areas. Mere absence of the specific words “without prejudice to the rights and contentions” does not amount to acquiescence.

19. By relying on *Md. Babul Aktar (supra)* a Division Bench judgment of this court, the petitioners argue that the High Court can render complete justice in case of patent illegalities. Since the petitioners had no option but to participate in the counselling, there was no bar to interference by this court to rectify flaws in the admission process. In a civil appeal preferred against the said judgment, it is submitted, the Supreme Court also did not interfere or make any observation contrary to the above conclusion.
20. Relying on *Asha (supra)*, learned counsel for the petitioners submits that the cut-off date for admission cannot be used as a technical tool to deny admission to otherwise meritorious students.
21. It is further argued that the cancellation of the entire list cannot affect anybody, as the post graduate course-in-question has not started effectively yet.
22. Learned counsel for the State-respondent argues that, if the merit list is now re-worked, the beneficiary candidates would be aggrieved. As such, the said

beneficiaries are necessary parties to the writ petition. The writ petition ought to be dismissed for non-joinder of such candidates. In this context, learned counsel relies on the judgment of *Poonam vs. State of Uttar Pradesh*, reported at (2016) 2 SCC 779.

23. Learned counsel further argues that the writ petition was filed only in July, 2020, thereby occasioning unnecessary delay in doing so. The petitioners were not vigilant and thus, cannot claim equity. It is further submitted that the lockdown due to the ongoing pandemic was initiated much after the issuance of the Notification. Hence, it is argued, nothing prevented the petitioners from approaching this court earlier. Instead, the petitioners merrily participated in the counselling process and acquiesced to the validity of the allotment of marks. Thus, the writ court ought not to exercise its jurisdiction, which is based on equity, in favour of the petitioners.

24. Learned counsel for the State-respondent further argues that the petitioners' letter dated April 17, 2020 (at page-50 of the writ petition) did not indicate that the right of the petitioners, to challenge the impugned Notification, was reserved before offering their candidature for counselling. The letter dated April 17, 2020, it is submitted, was only a request for the withdrawal of the impugned Notification and a notice to file litigation.

25. By relying on *Nagubai Ammal vs. B. Shama Rao* [AIR 1956 SC 593], learned counsel for the State argues that the inconsistency of conduct of the petitioners in

subjecting themselves to counselling despite having knowledge of the Notification-in-dispute and then turning around to challenge the same, amounts to approbation and reprobation in the same breath, which is deprecated in law.

26. On the question of acquiescence, learned counsel places reliance on the case of *Joint Action Committee of Airline Pilots Association of India vs. Director General of Civil Aviation and Ors.*, reported at (2011) 5 SCC 435.
27. On the concept of waiver, learned counsel cites *Associated Hotels of India vs. Ranjit Singh*, reported at AIR 1968 SC 933.
28. Learned counsel for the State-respondent next relies on *Tamil Nadu Medical Officers Association vs. Union of India & Ors.* [2020 SCC OnLine S.C. 699] for elaborating the concept of granting incentive as per Regulation 9(IV) of the 2000 Regulations. Learned counsel particularly relies on paragraph 26(c) of the said judgment, wherein it was held that preferential weightage merely alters the order of rank in the merit list but does not amount to a case of double-reservation. In the said judgment, it is argued, the concept of granting weightage for determining the merits was upheld. Learned counsel relies on several other paragraphs of the cited judgment.
29. It is next argued on behalf of the State-respondent that the Notification dated February 26, 2020 issued by the State was founded on intelligible differentiae having rational nexus with the object sought to be achieved, to grant preference

to in-service candidates, who served in non-urban or under-developed areas as per Regulation 9(IV) and the proviso thereto.

30. Distinguishing *Dr. Amit Bagra (supra)*, learned counsel places paragraphs 10 and 11 of the said judgment for the proposition that 'remote or difficult areas' had not been defined anywhere. The Supreme Court, as such, took a cue from publication in other fields in that regard.
31. Paragraph 12 of *Dr. Amit Bagra (supra)* indicates that the Supreme Court was considering inaccessibility and lack of health facilities as criteria, and also brought hilly areas within the fold of 'remote or difficult areas'.
32. Paragraph 13, on the other hand, indicated that identification of such areas is to vary from State to State.
33. Thus, learned counsel for the State argues that the Supreme Court did not lay down any guidelines regarding identification of remote and difficult areas, but merely highlighted certain factors which might be relevant in earmarking such areas. No law was laid down under Article 141 of the Constitution of India in the said judgment, to operate as a binding precedent or guideline for demarcation of remote and difficult areas.
34. Placing particular reliance on paragraph 5(vi) of the affidavit-in-reply, as well as clauses (ix)(n) of the petitioners' written notes of arguments, the State-respondent submits that the question regarding the basis of deducting and awarding incentive marks, as raised therein, stood answered in paragraphs 9 and

10 of the affidavit-in-opposition to W.P. 5822 (W) of 2020. The petitioners, it is argued, are seeking to make out a new case at every turn and are espousing the cause of other medical practitioners than the petitioners, who were allegedly not awarded incentive marks, as reflected from the written notes of arguments of the petitioners.

35. Paragraph (xvi) of the petitioners' written notes of arguments makes certain allegations of which, according to learned counsel for the State-respondent, there is no basis. The course-in-question commenced from September 1, 2020 as per the directions of the Supreme Court and the petitioners cannot adjudge the 'effectiveness' of the continuance of such course in the interregnum.
36. Learned counsel for the MCI mostly adopts the arguments of the State-respondent and harps on the proposition that there cannot be any direction by the High Court for admission to a medical course beyond the cut-off date. The MCI argues that only the Supreme Court, under Article 142 of the Constitution of India, can issue such a direction.
37. As such, the respondents seek dismissal of the writ petition.
38. Before going into the question of whether the classification of "remote and/or difficult areas" is arbitrary, baseless and opposed to the 2000 Regulations, it is required to appreciate the scope and objectives of such Regulations. Looking into the goals and general objectives of Post Graduate Medical Education Programme to be observed by Post Graduate Teaching Institutions, as indicated in Clause II

of the 2000 Regulations (Amended up to May, 2018), it is seen that the first goal is to produce competent specialists and/or medical teachers who shall recognize the health needs of the community and carry out professional obligations ethically and in keeping with the objectives of the National Health Policy [sub-clause 3.1]. It is reflected from sub-clause 3.2 that the general objectives of such training expected from students at the end thereof includes the ability to recognize the importance of the concerned specialty in the context of the health needs of the community and the national priorities in the health section, to practise the specialty concerned ethically and in step with principles of primary health care and to identify social, economic, environmental, biological and emotional determinants of health in a given case, and take them into account while planning therapeutic, rehabilitative, preventive and pre-emptive measures/strategies.

39. Moving straightaway to Clause 9(IV), the same states as follows:

“9(IV). The reservation of seats in medical colleges/institutions for respective categories shall be as per applicable laws prevailing in States/Union Territories. An all India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to Post Graduate courses from the said merit lists only.”

40. The second proviso to the said clause is as follows:

“Provided that in determining the merit of candidates who are in service of government/public authority, weightage in the marks may be given by the Government/Competent Authority as an incentive at the rate of 10% of the marks

obtained for each year of service in remote and/or difficult areas upto the maximum of 30% of the marks obtained in National Eligibility-cum-Entrance Test. The remote and difficult areas shall be as defined by State Government/Competent authority from time to time."

41. As such, it is evident that the proviso to Clause 9(IV) provides for weightage in marks to be given by the Government /Competent Authority as an incentive at the rate of 10% of the marks obtained for each year of service in remote and/or difficult areas, up to a maximum of 30% of the marks obtained in National Eligibility-cum-Entrance Test (NEET). The remote and difficult areas, it is categorically provided, shall be as defined by the State Government / Competent Authority from time to time.
42. Hence, the prerogative of the State Government, in appropriate cases, to determine the criteria for ascertaining remote and difficult areas is recognized and stipulated in the said proviso.
43. Sub-clause (IV) itself lays down that the reservation of seats in Medical Colleges/institutions for respective categories shall be as per the applicable laws prevailing in States/Union Territories. An All India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of marks obtained in the NEET and candidates shall be admitted to post graduate courses from the said merit list only.
44. Thus, the State authorities clearly have the power to publish their own merit list and to award incentives by way of weightage in marks at the rate stipulated in

the proviso to clause 9(IV) of the 2000 Regulations. Over and above, the State Government/Competent Authority has been specifically empowered to define the remote and difficult areas for the purpose of such weightage.

45. Having such jurisdiction, the next question arises as to whether, in the present case, there was any rational basis for allocating 'remote and difficult areas' in the impugned Notification dated February 26, 2020. Even a glimpse at the said Notification indicates that 'remote and/or difficult areas' have been separated and distinctly defined in Explanation-II of the Notification, over and above the meaning of "rural areas", as stipulated in Explanation-I.
46. While the definition of "rural areas" specifically excludes areas under the jurisdiction of a Metropolitan Area, Municipal Corporation, Municipality, Cantonment Board, Notified Town Area Committee or Industrial Township Authority and/or other Urban Local Bodies, the second Explanation adds "remote and/or difficult areas" to "rural areas" to comprise the entire body of areas for which incentives/weightage shall be granted. This is clearly in terms of the proviso to Clause 9(IV) of the 2000 Regulations.
47. Among areas incorporated within "remote and/or difficult areas", mountainous regions and the under-developed Sundarbans Delta are clearly regions justifying inclusion within the said category. As far as the 'Paschimanchal' and 'Uttarbanga' 'Unnayan Parshad's are concerned, the petitioners have raised

doubts as regards the extension to such areas of the “remote and/or difficult areas” category.

48. However, the judgments cited by the petitioners, particularly those of *State of Haryana (supra)* and *Dr. Amit Bagra (supra)*, rely on certain guidelines, taking a cue from the report submitted by the WHSRC, Ministry of Health and Family Welfare of the Central Government.
49. In fact, paragraph 10 of both the cited judgments clearly states of such ‘cue’ was being taken, which only outlined the rationale and objectives of a Scheme of incentives for attracting and retaining skilled service providers. In both the reported judgments, the hasty identification of such areas in those specific cases was rejected by the Supreme Court. No guidelines or binding criteria were laid down by the Supreme Court in either of the cases. Merely some of the factors to be taken into consideration in such classification were indicated in the judgments, while categorically laying down that the factors were not exhaustive and that exceptions might need to be made by addition or further qualification of the rules and flexibilities in that regard. In fact, several other criteria, such as transport facilities, environment, housing, connectivity and vacancies in medical tests might be additional determinants as well in that respect.
50. ‘Development’ has not been excluded from such criteria in any of the citations relied on by the petitioners.

51. Hence, instead of looking at the definitions of “rural areas” and “remote and/or difficult areas” as being mutually exclusive, those have to be seen from the perspective of the authorities and to be read in conjunction with each other to comprise of the total body of regions in which the facilities of incentives/weightage of marks ought to be extended. Since development (“Unnayan”) was taken to be a yardstick in classifying such areas, which is undoubtedly an intelligible differentia and has close nexus with the object of the 2000 Regulations, as discussed above, it would be improper for the court to impose its views with regard to such yardsticks. Such casual impositions at the drop of a hat would paralyze administrative functioning and would definitely be an encroachment on the State’s authority, contrary to the spirit of separation of powers, as envisaged in the Constitution. On the face of it, such classification, as reflected from the impugned Notification dated February 26, 2020 and the allotment of marks and ancillary modalities reflected therefrom and from the consequential Memorandum of March 4, 2020, are fully within the purview of the 2000 Regulations and in the zone of discretion legitimately exercisable by the State Government, as contemplated in such Regulations.

52. Hence, in the absence of patent arbitrariness or bias, there arises no question of interference under the writ jurisdiction.

53. From a slightly different perspective, the award of incentives by way of weightage in marks does not, *ipso facto*, shut out any of the eligible candidates

from getting admitted. The respective rankings of such candidates are thereby decided, which might go on to determine the particular institution where the candidates are admitted, but does not affect the career of the students altogether. The touchstone of merit is not sacrificed, but determines the eligibility of such candidates in the first place. Weightage of marks may determine the ranking but does not adversely affect the career of the candidates, although the choice of the institutions where they get admitted, consequential to such ranking, might have a bearing on the quality of work/academic environment prevailing in such institutions. However, the 2000 Regulations themselves factor in several yardsticks for medical education, including the ability to recognize the importance to the concerned specialty in the context of the health needs of the community and the national priorities in the health sector, to practise the specialty concerned ethically and in step with principles of primary health care and to identify social, economic, environmental, biological and emotional determinants of health in a given case. All these confer a legitimacy on the ranking due to the reflection of the aforementioned ideals behind the classification of rural and remote and/or different areas to award incentives in marks. Thus, even the disadvantage due to lower rankings owing to non-grant of the incentive regarding rural and remote/difficult areas is a necessary corollary of the scheme envisaged by the 2000 Regulations and, thus, cannot be held against the impugned Notification and the consequential Memorandum.

54. As far as singular instances of deprivation of incentives, as cited by the petitioners, are concerned, the affidavit-in-opposition of the petitioners comprehensively answers those. In any event, the individual instances or the personal knowledge of counsel or the individual manning the Judge's chair (here, in respect of Malda and Bankura, as cited by the petitioners) are irrelevant criteria in the present context.
55. As far as the argument of delay in filing the writ petition is concerned, the same cannot be a good ground in the context of the present adjudication, nor does the defence of waiver/acquiescence acquire any relevance in the present case. The petitioners, by their letter dated April 17, 2020, categorically raised objection against the impugned Notification and gave sufficient notice to take legal action against the same. In spite of such objection (the petitioners never withdrew the same), the petitioners joined the counselling process under obvious compulsion due to the imminent completion of the procedure before the fate of the writ petition was known.
56. The writ petition was filed in July, 2020, which is reasonably proximate in time to the cause of action, being the Notification dated February 26, 2020 and the consequential Memorandum dated March 4, 2020. Thus, the objections as to delay, waiver and/or acquiescence cannot be sustained.
57. That apart, the demurrer argument, regarding non-joinder of the beneficiaries of the Notification, that is, the candidates already admitted in the course, is also not

sustainable, since the said beneficiaries were admitted consequent upon the respondents' action, for which the respondents themselves were answerable. The collateral advantage obtained by the beneficiaries due to the respondents' action cannot justify classification of the beneficiaries as necessary or proper parties. The judgments reported at *JT 2003 (1) SCC 431 (supra)* and *(2007) 4 CHN 616 (supra)* lay down the above proposition.

58. A close look at *Poonam vs. State of U.P. (supra)*, cited by the respondents, shows that the same was based on the principle envisaged in Order I Rule 9 of the Code of Civil Procedure, which is also applicable to writs. However, in paragraph 38 of the said report, the Supreme Court stipulated that, in every case when a termination is challenged, the affected persons need not be made a party; only when one challenges the vires of a provision some of the persons likely to be affected should be made parties, that too in a representative capacity.
59. The example given in paragraph 48 of *Poonam (supra)* is of a Sarpanch/Chairman of a Gram Panchayat/Panchayat Samity challenging his removal. Someone elected in the meantime was held to be not a necessary party and such person cannot assail the removal order to justify his own election, since he is coming into being because of a vacancy arising due to a different situation.
60. Paragraph 53 of the judgment states that if curtailment/extension of an independent legal right takes place and the entitlement exists for restoration of

that (pre-existing) right on interference by court, then the aggrieved person is a necessary party.

61. In the present case, the other admitted candidates are mere beneficiaries of the action of the respondent-authorities, the legality of which is being tested in the present writ petition. The fate of the writ petition shall bind the admitted candidates as collateral beneficiaries of such action. Such candidates do not have an independent right removed from the act of the respondent-authorities but have reaped advantage of such action and are, thus, not necessary or proper parties entailing dismissal or demurrer on their non-joinder.
62. As far as the approbation and reprobation argument goes, in the present case, the participation of the petitioners in counselling was under compulsion, since the same has been progressing despite the respondents having full knowledge of the objection letter in that regard dated April 17, 2020, given by the petitioners. The said letter pointed out the grievances of the petitioners against the Notification and gave sufficient warning of legal action, which culminated in the present writ petitions. As such, there arose no question of the petitioners approbating and reprobating in the same breath and/or having intentionally relinquished a known right, which would amount to waiver.
63. As far as *Tamil Nadu Medical Officers Association (supra)* is concerned, the principles laid down therein are undisputed. It has been already discussed above that the issuance of the impugned Notification and the consequential

Memorandum fall squarely within the powers conferred on the State authorities by the 2000 Regulations. Thus, in the absence of any arbitrariness and/or mala fides, and the rationale behind the classification being justiciable to a sane thought-process, there is no infirmity in the issuance of such Notification and Memorandum.

64. In such view of the matter, the writ petitions fail.
65. Accordingly, WPA 5460 of 2020, WPA 5821 of 2020 and WPA 5822 of 2020 are dismissed.
66. IA No: CAN 1 of 2020 (Old No: CAN 3163 of 2020), IA No: CAN 1 of 2020 (Old No: CAN 3840 of 2020 and IA No: CAN 1 of 2020 (Old No: CAN 3841 of 2020) are also disposed of accordingly.
67. There will be no order as to costs.
68. Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)