

12.07.2021

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WPA No. 10741 of 2021
(Through video conference)

In re : An application under Article 226 of the Constitution of India

And

In re : Mihir Kumar Banerjee & Anr.petitioners

Mr. Amar Nath Sen

Mr. Malay Dhar

...for the petitioners

Ms. Chaitali Bhattacharya

Ms. S Samanta

...for the State

Mr. Ratul Ghosh

...for private respondent no. 8

Counsel for the State submits on instructions that the respondent no. 7 does not have any licence for admitting covid patients. It is submitted that for admitting covid patients specific permission is required from the health department which has not been taken out.

This Court prima facie sees merit in the complaint of the petitioner. However, since a statutory authority exists for the purpose of entering into such dispute, the Chairman, West Bengal Clinical Establishment Regulatory Commission may go into the complaint/representation dated 25th May 2021 and pass suitable orders under the said Act of 2017 and the Rules framed thereunder.

In the meantime and until the appropriate orders are passed by the regulatory Commission, respondent no. 7 shall

not admit any patient for treatment of covid 19 or any purpose other than maternity and child care.

With the above observations, WPA 10741 of 2021 is disposed of.

There shall be no order as to costs.

(Rajasekhar Mantha, J.)