

08.09.2021
SL No. 8
Court No. 24
(P.M./AB)

WPA 13020 of 2021

Dr. Aminul Islam Sardar
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Partha Sarathi Bhattacharyya,
Sr. Adv

Mr. Tanweer J. Mondal,
Ms. Somashree Dey,
Mr. Raju Bhattacharyya
... for the petitioner

Mr. Swapan Kumar Dutta,
Mr. Tapas Ballav Mondal
... for respondent No. 1, 4 and 5

Mr. Raja Saha,
Ms. Arpita Saha,
Mr. Sanjay Mukherjee
... for respondent No. 2

The petitioner claims to hold a degree of Bachelor of Medicine and Surgery from the University of Calcutta. Certificate was issued in his favour by the University of Calcutta on 27th July, 1996. The certificate is annexed at page 15 of the writ petition.

The petitioner has also annexed an internship certificate allegedly issued by the Calcutta National Medical College on 21st December, 1995 to certify that the petitioner satisfactorily completed the compulsory rotatory internship (one year programme) from 1st December, 1993 to 30th November, 1994. The internship certificate further mentions that the petitioner passed the final MBBS supplementary

examination of the Calcutta University of 1992 held on 14th September, 1993.

According to the petitioner he participated in the house staff ship in the said Medical College on and from 1st December, 1994 to 30th November, 1995 but he failed to collect his house staff ship certificate from the College.

According to the petitioner the said certificate was not required for his private practice. Presently the State of West Bengal has issued a circular mentioning that the house staff ship certificate is required to be produced at the time of conducting surgery.

The petitioner accordingly made a representation before the Medical Superintendent cum Vice Principal of the Calcutta National Medical College and Hospital on 6th May, 2019 and alleges that the request for issuance of the house staff ship certificate has not been answered by the respondent. The said certificate has not been issued in his favour till date. There has been no response to the representation filed by the petitioner.

The learned advocate representing the Medical College submits, upon instruction, that the records are not available readily and accordingly no response can be given to the petitioner to his representation.

As it appears that the documents sought for by the petitioner is an old one and the Medical College is the custodian of the said document accordingly the instant writ petition is disposed of by directing the Medical

Superintendent cum Vice Principal of Calcutta National Medical College and Hospital to take a decision with regard to the prayer made by the petitioner for issuance of house staff ship certificate in his favour for the period from 1st December, 1994 to 30th November, 1995. The aforesaid respondent shall intimate the petitioner the records/documents that he is supposed to produce for the purpose of obtaining the said certificate.

The aforesaid intimation shall be given to the petitioner within a period of eight weeks from the date of communication of a copy of this order. If the petitioner is able to produce the documents as sought for by the respondent authority, then the documents/records produced shall be verified and thereafter step shall be taken for issuance of the house staff ship certificate in his favour within a period of four weeks from the date of verification of the documents.

If the authority is of the opinion that the said certificate cannot be issued then the reason(s) for not issuing the said certificate shall also be intimated to the petitioner immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)