

22nd November, 2021
(D/L No.23)
(SKB)

W.P.A. 15704 of 2021
(Via Video Conference)

Soumyadeep Nandi
Versus
West Bengal University of Health Science and others

Mr. Partha Sarathi Bhattacharyya,
Mr. Raju Bhattacharyya,
Mr. Arunava Maiti
... for the petitioner.

Mr. Indranil Roy,
Mr. Sunit Kumar Roy
... for the National Medical Commission.

Mr. Uday Sankar Chattopadhyay,
Mr. Sayan Chattopadhyay,
Mr. Santanu Maji
... for respondent no.6.

Affidavit of service filed in court today be taken on record.

The grievance of the petitioner is the in action on the part of the West Bengal University of Health Sciences, being respondent nos.2 and 3 after a hearing given to the petitioner on 12th August, 2021 in connection with the petitioner's prayer for migration from an existing college to another college both under the West Bengal University of Health Sciences.

The reason for migration, as would appear from the submissions made by learned counsel appearing for the petitioner, is the exorbitant scale of fees of the existing college and the petitioner being unable to bear the fees for that reason.

A communication from the Director of Medical Education dated 7th May, 2021 to the mother of the petitioner shows that the petitioner would require 'No Objection Certificate' from not only the existing college and the admitting college but also from the concerned University. Counsel places the amended Rule 6(1) and (4) of the Medical Council of India Regulations on Graduate Medical Education, 1997 which provides for the conditions on which migration of students from one medical college to another may be allowed.

The immediate grievance, however, is the Registrar of the University failing to take any decision after the hearing given to the petitioner on 12th August, 2021. The apprehension expressed is that classes in the prospective college to which the petitioner seeks admission may start in December, 2021 by reason whereof the petitioner would be irremovably prejudiced.

The National Medical Commission and the ICARE Institute of Medical Sciences are represented.

Having heard learned counsel appearing for the parties, this court is of the view that there is no apparent basis for the Registrar of the West Bengal University of Health Sciences to remain silent after giving the hearing to the petitioner on 12th August, 2021.

In view of the aforesaid, the Registrar, West Bengal University of Health Sciences or the concerned

respondents of the University of Health Sciences is directed to pass a reasoned order within two weeks from the date of communication of this order. A copy of the reasoned order shall be made available to the petitioner within four days on which such decision is taken.

It is made clear that if the petitioner is found eligible for migration under the relevant rules as framed from time to time, the petitioner's prayer for migration to the other Medical College shall be facilitated by the concerned authority without any further delay.

W.P.A.15704 of 2021 is disposed of in terms of the above.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)