

19-04-2022
ct no. 13
Sl. 18
sp

WPA 5563 of 2022

The Sahararhat Nursing Home, represented by its
Proprietor Md. Jahirul Islam Shaikh & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. Subir Sanyal,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
Ms. Sumouli Sarkar,
Mr. Ishan Bhattacharya

.....for the petitioners

Mr. Jishnu Chowdhury,
Mrs. Amrita Panja Moulick

...for the State

The petitioner complains that the CMOH has purported to conduct an inspection of the petitioner's establishment, inter alia, in terms of Rule 36 of the Rules under the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017.

It is submitted that apart from serious violation of statutory provisions, the local police and B.D.O., South 24 Parganas, had entered into the petitioner's establishment under the guise and support of the CMOH, South 24 Parganas, for conducting inspection. It is submitted that the writ petitioner has videographed recording of the CMOH, South 24 Parganas, stating that police help of the presence of the BDO was not sought for.

Counsel for the State denies the allegations of the petitioner that the presence of the B.D.O, Falta, was requested by the CMOH, South 24 Parganas.

The matter assumes some seriousness.

This Court is of the view that the Superintendent of Police, Diamond Harbour, shall conduct an enquiry into the matter and take appropriate steps against the concerned Police Station.

Since the petitioner complains that certain anti-social elements have been attempting to extort money from the petitioner, a formal complaint in this regard shall be received from the petitioner by the Falta Police Station.

The Falta Police Station shall ensure that the complaint is received by tomorrow (20.04.2022), and thereafter register an FIR and forthwith investigate into the matter.

The Investigating Officer may also receive appropriate inputs from the abovementioned enquiry report of the Superintendent of Police, Diamond Harbour.

In so far as the violation of statutory rules alleged by the petitioner against the CMOH, South 24 Parganas, is concerned, the principal ground urged is that the report and all findings collected in course of the inspection, must be recorded in a

inspection book of the CMOH. It is submitted that the same has not been done.

Be that as it may, this Court does not think it appropriate to enter into the said issue at this stage. The petitioner shall be entitled to urge the said point, in course of any challenge to any final order that the authority may pass under the aforesaid Rules and the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017.

Needless to mention, any future inspection that may be conducted shall be so done, strictly in terms of the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017 Act and Rules.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)