

06.05.2022
Ct. 5
D/L 8
ab

RVW 57 of 2022
With
IA No. CAN/1/2022
In
WPA 3507 of 2022

Dipayan Roy
-Vs-
Union of India & Ors.

Mr. Anindya Bose,
Mr. Suman Banerjee,
Mr. Diptendu Mondal,
Mr. Nikhil Gupta

... for the reviewer/applicant

Mr. Partha Sarathi Bhattacharyya,
Md. Alauddin Mondal,
Mr. Raju Bhattacharyya,

... for the writ petitioners

Mr. Indranil Roy,
Mr. Sunit Kr. Roy

... for the National Medical Commission

Mr. D. N. Maiti

... for the respondent no.4/WBUHS

Re: RVW 57 of 2022

This application is for review of an order passed by this Court on 24th March, 2022 with regard to the petitioner no. 3. By the said order, the prayer of the petitioner no. 3 for admission to the MBBS Course in the URPwD seats at the Government Medical Colleges and Hospitals was refused on the basis of the wide

disparity in the reports produced by the petitioner no. 3 (applicant herein). While the Certificate of Disabilities from IPGME&R showed hearing disability of 0%, certificate of Ghatal Sub-Divisional Hospitals showed hearing impairment of 70%. The Court had also come to a finding that the photographs produced by the applicant in the two certificates did not match.

By an order dated 8th April, 2022 passed in the present application for review, the IPGME&R was directed to file a report in relation to the findings given by it on 24th January, 2022 in respect of the applicant. Although the IPGME&R was communicated with the order, it is not represented.

The applicant has produced a certificate of Midnapore Medical College and Hospital of 25th November, 2021, which shows that the applicant has moderate degree of hearing loss in the right ear and 'severe degree' of hearing loss in the left ear. Another report from the same Hospital indicates that the applicant suffers from moderate degree of hearing loss in the right ear and moderately severe degree of hearing loss in the left ear. There is no indication of any specific percentage of hearing impairment in the certificates of the concerned Hospital.

After considering the certificates of Midnapore Medical College and Hospital and considering the absence of any specific percentage of hearing

impairment in the said reports together with the apparent discrepancy in findings, this Court is not inclined to entertain the application for review.

The submission made on behalf of the National Medical Commission that the date of admission has already closed on 28th April, 2022 is taken note of.

RVW 57 of 2022 and CAN 1 of 2022 are accordingly dismissed without any order as to costs.

Re: WPA 3507 of 2022

It is submitted by learned counsel for the writ petitioners that two of the petitioners have already been given admission pursuant to the order passed by this Court on 24th March, 2022 and the writ petition may be disposed of on that basis.

However, this Court is of the view that since the said order directed the IPGME&R to file a report on the methodology adopted by the said institute on assessing mental disability of the petitioners, the petitioners as well as the National Medical Commission are directed to communicate this order to the IPGME&R. The IPGME&R is directed to file the report within a period of four weeks from today before the Registrar General of this Court.

The National Medical Commission or the IPGME&R, as the case may be, shall be at liberty of mentioning before the Court for appropriate orders.

(**Moushumi Bhattacharya, J.**)