

AD-02
Ct No.09
31.08.2022
TN

WPA No. 8140 of 2022
IA No: CAN 1 of 2022

Dr. Kunal Saha
Vs.
West Bengal Medical Council (WBMC) and another

Mr. Aniruddha Chatterjee,
Ms. Gargi Goswami
.... for the petitioner/intervenor

Mr. Saibalendu Bhowmick,
Mr. Biplab Guha
.... for the WBMC

Mr. Tapan Kumar Mukherjee,
Ms. Debdooti Dutta
.... for the respondent no.2

In Re: IA No: CAN 1 of 2022

Learned counsel for the petitioner contends that the petitioner is a voter in the upcoming Medical Council elections of West Bengal and shall be prejudiced in such capacity in the event the present elections are held. It is submitted that several irregularities have tainted all the previous elections, for which the petitioner has taken out a Public Interest Litigation (PIL), which is pending for long.

In the said PIL, the petitioner has alleged the specific ways in which such illegality is allegedly perpetrated and has sought specific guidelines from

the Division Bench for the modalities in holding the elections, in connection with the said litigation.

It is submitted that in view of the order of this court, recall of which has been sought, the elections are again going to be held, with the same illegalities. It is submitted that, as such, the elections as directed by this court may be postponed till hearing of the PIL or an Observer be appointed for the purpose of supervising the elections.

However, inasmuch as the alleged current illegalities are concerned, those furnish, at best, cause of action for a new challenge.

Moreover, on the basis of surmise and conjecture, we cannot come to a conclusion that the elections which are to be held will also be a repetition in irregularity.

Hence, there is no scope for recall of the order dated June 29, 2022 passed in WPA No. 8140 of 2022.

Accordingly, IA No: CAN 1 of 2022 is dismissed without any order as to costs.

It is, however, made clear that the merits of the respective contentions of the parties have not been gone into by this court and it will be open to all concerned to canvas their respective cases in the PIL, which is still pending.

Since no affidavits have been invited by this court, it is deemed that the allegations made in the present recall application are denied by the respondents.

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

(Sabyasachi Bhattacharyya, J.)