

Ct. 05
Item No.21
16.11.2022
(Suvendu)

WPA 20646 of 2022

Dhritarastra Dutta
Vs.
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Dibakar Sardar
Mr. Subhrajyoti Ghosh
Ms. Sudipa Sen
.....for the petitioner

Ms. Sutapa Sanyal
Mr. Anand Farmania
.....for the State

Mr. Sanjib Kumar Dan
Mr. Rajarshi Basu
.....for the private respondent

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

Mr. Saibalendu Bhowmick
Mr. Biplab Guha
Mr. Subrata Bhattacharya
.....for the WBMC

The affidavit of service is taken on record.

The present writ petition has apparently been filed pursuant to an order of a Division Bench presided over by the Hon'ble the Chief Justice dated 21st December, 2021 by which the petitioner was permitted to file a complaint before the Medical Council of India and the latter was to

look into the grievance of the petitioner in accordance with law.

The grievance relates to the private respondent who is using the prefix “Dr.” to his name. The petitioner complains of the private respondent not being a registered doctor and hence liable to cause widespread harm to the society at large.

This Court is of the view that the nature of the grievance raised would qualify as a Public Interest Litigation since the petitioner has not been able to show any private prejudice or infringement of the petitioner’s fundamental rights under the Constitution of India to approach the writ court.

In any event, the stated position of the West Bengal Medical Council and the National Medical Commission (erstwhile, Medical Council of India) is that the respondent no. 8 is not registered with either of these two authorities. Hence, there is no question of either the National Medical Commission or the State Medical Council to initiate any disciplinary action or otherwise against the respondent no.8.

WPA 20646 of 2022 is accordingly dismissed for the above reasons and without any order as to costs.

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

(Moushumi Bhattacharya, J.)