

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(Appellate Side)

MAT 1497 of 2022
With
CAN 1 of 2022

Reserved on: 19.09.2022
Pronounced on: 20.09.2022

Dr. Sourav Talukder

...Appellant

-Vs-

Dr. Kunal Saha and Others

...Respondents

Present:-

Mr. Probal Mukherjee, Sr. Advocate
Ms. Gargi Goswami, Advocate
... for the appellant

Dr. Kunal Saha,
... respondent No.1 in person

Mr. Saibalendu Bhowmik,
Mr. Rajsekhar Basu,
Mr. Biplab Guha,
Mr. Subrata Bhattacharjee, Advocates
... for the respondent No. 2

Coram: THE HON'BLE JUSTICE PRAKASH SHRIVASTAVA,
CHIEF JUSTICE
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ,
JUDGE

Prakash Shrivastava, CJ:

1. This appeal is directed against the order of the learned Single Judge dated 31st of August, 2022 whereby CAN 1 of 2022 in WPA 8140 of 2022 for recall of the order dated 29th of June, 2022 has been dismissed.
2. Having perused the record, it is noticed that learned Single Judge by order dated 29th of June, 2022 had disposed of WPA 8140 of

2022 finding that there was palpable inaction on the part of the respondent No. 2 West Bengal Medical Council in not holding any elections and/or constituting new Council since 1988. Hence, learned Single Judge has directed the respondent State of West Bengal to appoint ad-hoc Council, adhering relevant provisions to the Bengal Medical Act, 1914 in that regard, for the limited purpose of conducting the next elections of the Council and carrying out the essential functions of the Council within July 31, 2022. Learned Single Judge has also directed to hold the elections of the respondent West Bengal Medical Council in accordance with law, by the ad-hoc Council and complete the process of elections including declaration of results by October 31, 2022.

3. At this stage, limited submission of the learned Counsel for the appellant is that the CCTV cameras should be installed at the place of polling and observer be appointed to ensure free and fair elections. Learned Counsel for the respondent No. 1 has also supported this plea and submitted that the respondent No. 1 has already filed an application in this regard before the ad-hoc Committee.

4. Learned Counsel for the appellant has made a statement on instructions that if the respondent Nos. 2 and 3 have any difficulty in bearing the expenses of CCTV cameras, then the appellant is ready to bear its cost.

5. Order of the learned Single Judge also reveals that the official respondent herein and an ad-hoc Council has been directed to ensure fair play and transparency in the entire process of elections.

6. Learned counsels for appellant and respondent No. 1 have pointed out that the election notice has been issued and the process of

receiving the voting papers for election is to continue for a month from 19th of September, 2022. It is alleged that the appellant and the respondent No. 1 apprehend serious irregularities in the election process.

7. In view of the aforesaid, we are of the opinion that the installation of CCTV cameras at the appropriate place and appointment of observer will facilitate the transparent and fair election process. The representation of the respondent No. 1 in this regard is already pending before the ad-hoc Committee. Appellant is also permitted to file the representation in this regard within 24 hours. The ad-hoc Committee is directed to take decision on these representations within 48 hours from now keeping in view the observations which are already made above. The appeal is accordingly disposed of.

(PRAKASH SHRIVASTAVA)
CHIEF JUSTICE

(RAJARSHI BHARADWAJ)
JUDGE

Kolkata
20.09.2022

PA(SS)

(A.F.R. / N.A.F.R.)