

14 17.07.2023
RP Ct. No. 01
AN

WPA (P) 21 of 2023

Dhritarastra Dutta

Vs.

The State of West Bengal & ors.

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
Mr. Dibakar Sardar

... For the petitioner

Mr. S. N. Mookherjee, Id. A.G.
Mr. T. M. Siddiqui

... For the State

1. The petitioner by way of this Public Interest Litigation has flagged a very important issue which directly impacts the general public.

2. The allegation is against the 8th respondent, Ranjit Kumar Biswas who is portraying himself as a medical practitioner using prefix 'Doctor' or 'Dr.' in front of his name carrying medical practice. In terms of the decision of the Division Bench of this Court in *Sanjib Das vs. State of West Bengal reported in (2014) 1 CHN CAL 1427*, a person who does not possess the requisite qualification in terms of the Indian Medical Council Act, 1956 and whose name does not appear in the register of the Medical Practitioners as contemplated in the 1956 Act, is not entitled to use prefix 'Doctor' or 'Dr.'. Admittedly, the petitioner does not possess any medical degree from any recognized medical institution but would refer to a certificate issued by the Institute of Alternative Medicine stating that the 8th respondent is registered as per the by-laws of Bowbazar Society for

Alternative Medicine as a registered medical practitioner in a system of medicine. The Institute of Alternative Medical Sciences cannot award any degree or any certificate recognizing any person as a registered medical practitioner. Therefore, the action should be taken against the said Institution viz. the Institute of Alternative Medicine said to be functioning at No. 15, Sri Gopal Mallick Lane, Kolkata-12. The certificate states that it is affiliated to the Open International University and recognized by the Government of West Bengal based on a Central Government Act. The certificate clearly shows that it is a bogus Institution and on the strength of the certificate issued by the said Institution, the 8th respondent cannot practice medicine in any form.

3. Learned Advocate General appearing for the State respondents, on instruction, submitted that criminal case has already been registered against the 8th respondent. The concerned Police shall effectively conduct the investigation and if the 8th respondent is still found to use the prefix 'Doctor' or 'Dr.', immediate action should be taken against the 8th respondent including taking him into custody. The 7th respondent, The President, West Bengal Medical Council is directed to immediately probe into the matter as to how the 6th respondent, The Principal, Alternative Medical Council is carrying on its activities as to how they are entitled to issue any certificate. The probe should be done in an effective manner and once it is ascertained that the Institution cannot issue any such certificate, action should be taken by the West Bengal

Medical Council to close such Institution and give wide publicity of the same so that general public are not cheated.

4. With the above observations, the instant writ petition stands **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)