

09.09.2024
Ct. No. 14
Sl. No.10
AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17252 of 2021

**Mira Banerjee & Ors.
-versus-
The District Magistrate, North 24 Parganas & Ors.**

**Mr. Ayan Banerjee
Ms. Payel Mitra
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay
Mr. Debopriyo Karan.
... For the State.**

**Mr. Saibalendu Bhowmick
Mr. Biplab Guha
... For the WBMC.**

**Mr. Shibaji Kr. Das.
Mr. Dipendu Sarkar.
Ms. Deblina De.
... for the respondents no. 3 and 4.**

The order dated 9th September, 2021 passed by the West Bengal Medical Council is impugned in the instant writ petition.

The petitioner is the complainant of the complaint which was filed before the Medical Council alleging medical negligence.

Specific submission is that the impugned order is a cryptic one, which was passed without giving any opportunity of hearing to the petitioner.

Learned advocate representing the respondent nos. 3 and 4 submits, upon instruction that, as per the prevalent practice, the penal and ethical committee heard all the necessary parties and prepared a report

which was forwarded to the Medical Council for passing order. The petitioner was duly heard before the penal and ethical committee.

Learned advocate representing the West Bengal Medical Council submits that there is an alternative remedy available. The petitioner ought to have availed the appellate forum instead of approaching the writ Court.

It appears that the matter is required to be heard upon affidavits.

Let affidavit-in-opposition be filed within a period of six weeks. Reply, if there be any, be filed two weeks thereafter.

Liberty to mention.

(Amrita Sinha, J.)