

AD-09
Ct No.09
18.10.2023
TN

WPA No. 20756 of 2023

Dr. Partha Lodh
Vs.
Union of India and others

Mr. Mrinal Kanti Ghosh
.... for the petitioner

Ms. Sayani Roy Chowdhury,
Mr. Avirup Roy Sanyal
.... for the UOI

Mr. Debu Chowdhury,
Mr. Dipanjan Karmakar
.... for the respondent
nos.2 & 3

Mr. Indranil Roy,
Mr. Sunit Kr. Roy
.... for the National Medical
Commission

Mr. Saibalendu Bhowmik,
Mr. Biplab Guha
....for the respondent nos.5 & 6

1. The petitioner's contention is that the petitioner sought to take the DNB-PDCET, 2023 Entrance Test. However, the petitioner was not permitted to do so by the respondent no.2, that is, the National Board of Examinations in Medical Sciences on the ground that the petitioner was not eligible in the particular field of specialization, that is, Radiology (DMRD). Learned counsel for the petitioner places reliance on certain documents annexed particularly at

pages-15, 16, 17 and 18 to indicate that the petitioner furnished due certificates issued by the West Bengal Medical Council as well as a certificate by the University of Calcutta granting a Diploma in Medical Radiology Diagnostic to the petitioner.

- 2.** It is submitted that, as such, the petitioner ought to have been permitted to participate in such examination.
- 3.** Learned counsel appearing for the respondent no.2 submits that a communication was made to the petitioner asking for documents to be submitted by the petitioner, either in the nature of a certificate issued by an Institute recognized under the NMC Act or an IMR certificate which would refer to such certificate having been obtained by the petitioner, which would also suffice in the present context.
- 4.** At this juncture, learned counsel appearing for the National Medical Commission (NMC), that is, the respondent no.4 herein, contends that under Schedule-I of the Indian Medical Council Act, 1956, Diploma in Medical Radiology and Diagnosis (DMRDA) is a valid and recognized qualification for the petitioner to take the examinations-in-question. It is submitted that

the NMC recognizes the certificates so obtained by the petitioner.

5. Learned counsel appearing for the State bodies also corroborates the contention of learned counsel for the respondent no.4 in that regard and contends that the degrees and diplomas produced by the petitioner are recognized.
6. In any event, since the NMC takes a stand that the diplomas and certificates produced by the petitioner suffice and fall within the contemplation of the degrees/diplomas recognized by the NMC, which is the primary requirement of the respondent no.2, there cannot be any impediment in the petitioner participating in the said course.
7. Accordingly, WPA No. 20756 of 2023 is allowed, thereby directing the respondent no.2, that is, the National Board of Examinations in Medical Sciences to permit the petitioner to participate in the DNB-PDCET, 2023 course from the current stage of the said course by acting on a server copy of this order without insisting upon prior production of a certified copy of this order.
8. There will be no order as to costs.

- 9.** 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.)