

04.01.2024

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PG/KS

Ct. No.1

W.P.A.(P) 614 of 2023

Akshya Kumar Sarangi

Versus

The State of West Bengal & ors.

Mr. Srikanta Dutta

Ms. Rituparna Sarkar Dutta.....for the petitioner

Mr. Suman Sengupta

Mr. Saikat Chatterjee

Mr. Sambuddha Dutta

Mr. Deepnath Roy Chowdhury.....for the State

Mr. Tapan Nag Chowdhury.....for the respondent no. 8

1. By this public interest litigation, the petitioner, who is a practicing advocate, seeks for issuance of a direction upon the respondents 1 to 4 to initiate criminal proceedings against the 5th respondent, who is one Dr. Sandip Ghosh, the Principal of R.G. Kar Medical College & Hospital, Kolkata and along with other associated persons for allegedly causing damage to the dead bodies, which were sent for a workshop, which was organised on 5th January, 2023 in R.G. Kar Medical College & Hospital, Kolkata, which appears to be a Golden Jubilee Conference of AOI West Bengal and All India (AOI) Midterm Conference and Hands On Cadaveric FEES Course.
2. According to the petitioner, the dead bodies could not have been sent out of the mortuary for any such

conference and the 5th respondent has committed an illegality in doing so by granting necessary permission.

3. It is pointed out at the first instance, the request made by the Association of Otolaryngologists of India for conducting the cadaveric workshop on Rhinology was communicated by the Head of the Department of FMT, R.G. Kar Medical College & Hospital, Kolkata on 21st December, 2022. It is stated that subsequently another letter was sent by the Head of the Department of ENT, R.G. Kar Medical College & Hospital, Kolkata to the Principal for supply of body for anatomical dissection workshop organised by the Department of ENT, R.G. Kar Medical College & Hospital, Kolkata under the banner of AOI, West Bengal.
4. As could be seen from the said letter, the Principal of the R.G. Kar Medical College & Hospital, Kolkata viz. the 5th respondent has not granted any approval but has forwarded the request to the Head of the Department of FMT, R.G. Kar Medical College & Hospital, Kolkata, who has considered the same and approved it on 30th December, 2022. The bodies, which were lying in the R.G. Kar Medical College & Hospital, Kolkata were taken for the workshop, which was also conducted in the very same campus and thereafter, on the same date, the post-mortem has been performed.
5. The learned advocate for the petitioner draws the attention of this Court to a communication, alleged to

have been sent, where a staff on 11th January, 2023 is alleged to have written to the Director of Medical Education alleging that the Principal threatened him that his service will be at stake, if he does not listen to him. In this backdrop the learned advocate for the petitioner would submit that the very appointment of the 5th respondent as Principal is thoroughly flawed and it is against law.

6. In this regard, the learned advocate has referred to the proceedings of the Director of Medical Education, Government of West Bengal dated 5th December, 2017 and submitted that without following any procedure, the Principal has been appointed.
7. Thus, the Court can clearly see the background of the writ petition. The purpose for filing the writ petition is virtually questioning the appointment of the 5th respondent as the Principal of the R.G. Kar Medical College & Hospital, Kolkata and the petitioner appears to have taken advantage of the communications, which have been sent for forwarding the bodies to the anatomical dissection workshop organised in the very same hospital.
8. As noted above, the Principal has not granted the approval but has forwarded the same to the Head of the Department of FMT, R.G. Kar Medical College & Hospital, Kolkata, who has approved the same on 30th December, 2022.

9. If according to the petitioner, there was any threat meted out, it will be well open to the said doctor to agitate the grievances before the appropriate forum in the manner known to law. Furthermore, the purpose for which the bodies, which were lying in the very same hospital was for an anatomical dissection workshop organised by the Department of FMT in the very same hospital.
10. Thus, we find that the real motive behind the filing of the writ petition is to challenge the appointment of the 5th respondent. Therefore, in the given facts and circumstances, the relief sought for in the writ petition cannot be granted. Accordingly, the same stands dismissed.
11. No costs.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)