

26.09.2025
(D/L 01)
Ct.-17
Susanta/
Samar

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

APPELLATE SIDE

W.P.A. 16828 of 2025

Suraj Barman & Ors.

-Vs-

The National Medical Commission & Ors.

Mr. Jaydip Kar, Ld. Sr. Adv.,

Mr. Pijush Biswas,

Mr. Puspasish Gupta,

...For the Petitioners.

Mr. Sunit Kumar Roy,

.... For the N.M.C.

Mr. Billwadal Bhattacharyya, Ld. Sr. Adv.

Mr. Abhisek Baran Das,

.... for the Respondent No. 6.

Mr. Vivekananda Bose, Ld. Junior Standing Counsel,

Mr. Shibasish Banerjee,

....for the State.

The supplementary affidavit to the writ petition is filed on behalf of the petitioners, let it be kept with the record.

The learned advocate on record for the petitioners undertakes to make good the deficit Court Fees in course of this day.

The petitioners have completed their Doctor of Medicine (M.D.) from Lincoln University college, Malaysia, the said degree is equivalent to MBBS in India.

The petitioners have pursued their said course at the offshore campus of the said university in India, namely Sanjiban Hospital, Howrah.

The petitioners have also crossed the hurdle of Foreign Medical Graduate Examination (FMGE) and thereafter have applied for internship at the hospitals in the State.

The Director of Medical Education, Government of West Bengal, the respondent no. 5 herein, has been conducting the counseling to engage the interns in the hospitals of the States, the said respondent had refused to

allow the petitioners to take part in the first round of such Counselling.

The petitioners are praying that they may be allowed to participate in the next rounds of Counselling process for compulsory rotating medical internship.

Mr. Jaydip Kar, learned Senior Counsel for the petitioners submits that though the reason for not allowing the petitioners to join in the first round of Counselling was never communicated to the petitioners but it was verbally communicated that the observations made in the advisory of the National Medical Commission (NMC) dated May 19, 2025 regarding the said offshore campus of the said Malaysian University is the cause of such denial.

He further submits that the advisory was issued to comply with the requirements of the Foreign Medical Graduate Licentiate Regulation 2021 (FMGL Regulation 2021). The course of the petitioners had commenced on 2018-2019 and the said Regulation of 2021 by virtue of Regulation 5 thereof since is prospective in operation it has got no applicability in respect of the course completed by the petitioners, therefore, the denial to the Counselling is not justified.

Mr. Sunit Kumar Roy, learned advocate for the NMC submits that in view of the judgment of the learned Single Judge of this Court passed on November 12, 2024 in W.P.A 15993 of 2024 (***Shayan Saha & Ors. Vs. National Medical Commission & Ors.***), the issue is no longer re integra.

Mr. Vivekananda Bose, learned Junior Standing Counsel submits that the observation of the NMC in the advisory dated May 19, 2025 regarding the offshore campus of the said Malaysian University where the petitioners had pursued their course is the only difficulty for the respondent no. 5 to allow the petitioners to participate in the Counselling.

Having heard the learned counsel for the parties and on perusal of the materials on record it appears that the NMC had issued the said advisory to comply with the requirement of the said Regulation of 2021, the Regulation 5 thereof inter alia stipulates that notwithstanding anything contained in Regulation 4, this Regulation shall not be

applicable to candidates who are pursuing their education in Foreign Institution prior to the coming into force of these Regulations and the petitioners since were pursuing their course prior to the said regulation of 2021 came into force the observations regarding the offshore campus of the said University Sanjiban Medical College, Howrah has no consequence in allowing the petitioners to participate in the Counselling for internship.

The respondent no. 5, therefore, is directed to allow the petitioners to participate in the next rounds of Counselling for internship and place them in appropriate hospitals in accordance with their merit position.

Needless to say that there shall not be any compromise in the merit of the candidates.

WPA 16828 of 2025 is disposed of with the above terms, there shall however be no order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)