

4th Sept.,2025
Item no.D/L 02
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 20826 of 2025**

In the matter of :

Dr. Subhendu Mandal

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Pratik Dhar, Sr. Adv.
Mr. Samir Halder
Mr. Snehal Sinha

....Advocates

For the WB Medical Council:

Mr. Sakya Sen, Sr. Adv.
Mr. Sunit Kr. Gupta

....Advocates

For the Respondent no. 7:

Ms. Deblina De

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The order dated 3rd July, 2025 passed by the West Bengal Medical Council is impugned herein.
3. On a bare perusal of the impugned order, it appears that, the same is an absolute non-speaking one. No reason has been indicated in the order as to how the petitioner was found guilty of infamous conduct in his profession.
4. It has been brought to the notice of the Court that, the petitioner already preferred an appeal against the said order and sought for an interim order. As the appeal is kept pending without consideration of the prayer of the

petitioner for passing interim order, the instant writ petition has been filed.

5. Learned advocate for the petitioner relies on the judgment delivered by the Hon'ble Division Bench of this Court in **MAT 28 of 2018** in the matter of **Snigdhendu Ghosh Vs. State of West Bengal & Ors.** reported in **2018 SCC OnLine Cal 4843** wherein the Court was of the opinion that reason in support of the impugned order has to be given.
6. Learned advocate representing the West Bengal Medical Council submits, upon instruction that, the petitioner was given proper opportunity of hearing and evidence was also recorded pursuant to the charge-sheet prior to passing the impugned order.
7. Upon hearing the submissions made on behalf of the parties and on perusal of the materials on record, the Court is convinced that the order impugned is an absolute non-speaking one. Accordingly, the same cannot be held to be a valid one in the eye of law.
8. The impugned order is set aside.
9. It will be open for the Council to take steps in the matter strictly in accordance with law.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)