

S/L 10
24.12.2025
Court. No. 25
suwayan

WPA 24950 of 2025

Dr. Tapan Kumar Jana
Vs.
West Bengal Medical Council & Ors.

Mr. Siddhartha Banerjee
Mr. Arka Chandra Roy
Mr. Amartya Basu
Mr. Anjan Bhandari

...for the petitioner.

Mr. Koushik Chatterjee

...for the respondents.

1. The affidavit-of-service filed by the learned counsel for the petitioner be taken on record.
2. The petitioner has challenged the impugned communication dated June 2, 2025 wherein the Registrar, West Bengal Medical Council has informed the petitioner that “considering the grave kind of allegation labeled against the petitioner, the name of the petitioner removed from the register of the registered medical practitioner being maintained by the Council from the date of issue of the order”.
3. Mr. Banerjee, learned counsel appearing for the petitioner submits that the impugned communication is in violation of Sections 25 and 17 of the Bengal Medical Act, 1914. He submits that as the communication is violation of the provisions of law and as such the same is liable to be set aside.
4. *Per contra*, learned counsel appearing for the West Bengal Medical Council submits that the allegation against the petitioner is grave in nature. He submits that

10 lakh rupees have been seized from the possession of the accused and subsequently when the investigating agency has searched the house of the petitioner further amount of Rs. 24,46,920/- was recovered from the house of the petitioner. He further submits that CBI was arrested the petitioner for the offence under Section 61(2) of BNS Act, 2023 read with Sections 7, 8, 9, 10 and 12 of the Prevention of Corruption Act, 1988 and the learned Special Judge under PC Act, Rouse Avenue Courts, New Delhi while granting the bail to the petitioner has imposed several conditions so that the petitioner cannot mingle with the witnesses of the department and to hamper the investigation of the CBI case.

5. Learned counsel for the respondents submits that the impugned order is passed taking into consideration of grave allegation against the petitioner. He further submits that the impugned order dated June 2, 2025 is appealable under Section 26 of the Act but the petitioner instead of filing the appeal has preferred the writ application and the writ application is not maintainable.
6. Heard the learned counsel for the respective parties.
7. Perused the materials on record Section 25 read as follows:

“25. The Council may direct

(a)

(i) who has been sentenced by any Court of any non-bailable offence such sentence not having been subsequently reversed or quashed and such person's disqualification on account of such

sentence not having been removed by an order which the Local Government are hereby empowered to make, if they think fit, in this behalf or

(ii) whom the Council after due inquiry in the same manner as provided in Clause (b) of Section 17 have found guilty by a majority of two-third of the members, present and voting at the meeting of infamous conduct in professional respect”

Section 17 reads as follows:

“17. Every person who possesses any of the qualifications referred to in the Schedule shall, subject to the provisions hereinafter contained and on payment of such fees as may be prescribed in this behalf by regulations made under Section 33, be entitled to have his name entered in the register of registered practitioners. Provided that the Council may refuse to permit the registration of the name of any person –

(a)

(b) whom the Council, after due inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or attorney, which may, in the discretion of the President, be held in camera) have found guilty, by a majority of two-thirds of the members present and voting at the meeting of infamous conduct in any professional respect.”

8. This Court finds that in the impugned communication dated June 2, 2025 the authorities have alleged that a grave kind of allegation have been labeled against the petitioner, accordingly, the name of the petitioner has removed from the register of register medical

practitioner being maintained by the Council. The provisions for removal of the name of the registered practitioner is provided under Section 25 as mentioned. As per Section 25 (ii) the after due inquiry in the same manner as provided in Clause (b) of Section 17 if the authorities found guilty by majority of the total of the members, the present and voting of the meeting of infamous conduct in professional respect, the authorities can remove the name of practitioner from the register of the registered medical practitioner.

9. In the present case, this Court finds that simply on the basis of arrest of the petitioner in the criminal case initiated by the CBI, the West Bengal Medical Council has removed the name of the petitioner without following the provisions as provided under Section 17(b) of the Act. Thus the submission made by the respondents that the impugned order is appealable order is not led to stand as the authorities have not followed the due process of law while issuing the impugned order, thus the writ petition is maintainable.
10. Considering the above, the impugned communication dated June 2, 2025 appearing at page no. 39 being Annexure P3 is set aside and quashed. However, it is made clear that this order will not prevent the respondents/authorities to take appropriate steps against the petitioner in accordance with law.
11. WPA 24950 of 2025 is disposed of.

12. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)