

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

Present:

The Hon'ble Justice Partha Sarathi Sen

WPA 27134 of 2015

**Dr. Asim Roy
Vs.
Union of India & Ors.**

For the petitioner : Mr. Pratip Kumar Chatterjee
Ms. Maitrayee Chatterjee

For the respondent Nos. 2, 3, 4 and 6 : Mr. Sukanta Ghosh

Heard on : 26.02.2025

Judgment on : 26.02.2025

PARTHA SARATHI SEN, J.:

1. The writ petitioner and the respondent Nos. 2, 3, 4 and 6 are represented by their respective learned Advocates.
2. By filing the instant writ petition the writ petitioner has prayed for cancellation and/or setting aside and/or quashing of the memo dated 25.02.2015 as issued by the respondent No. 3 whereby and whereunder the request of the writ petitioner to register him in the category of 'clinical psychologist' was not considered favourably.

3. In course of his submission Mr. Chatterjee, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page Nos. 60 and 61 of the instant writ petition wherefrom it reveals that the writ petitioner obtained a degree of Doctor of Philosophy in 'Liberal Studies and Psychology' from Trinity College and prior to obtaining such degree the writ petitioner had undergone courses upon various subjects namely; Humanities, Mathematics, Science, Philosophy, Theology, Clashes Of Cultures, Happiness And Discontent, Order and Chaos and Dissertation. Drawing attention to page No. 120 of the instant writ petition it is further submitted by Mr. Chatterjee that on an earlier occasion i.e., 11.05.2011 the respondent authorities communicated to the writ petitioner that the writ petitioner's application for registration as a 'Clinical Psychologist' cannot be granted since the writ petitioner possess a qualification from a foreign university which is not included in the Schedule of The Rehabilitation Council of India Act, 1992 (hereinafter referred to as the 'said Act of 1992').
4. It is submitted by Mr. Chatterjee that being aggrieved with such decision the writ petitioner filed WP 12768 (W) of 2011 which was disposed of by a co-ordinate Bench of this Court on 10.09.2013 whereby and whereunder the said co-ordinate Bench directed the relevant committee of the Rehabilitation Council of India (hereinafter referred to as the 'said Council' in short) to consider

the prayer of the writ petitioner in accordance with law by allowing the writ petitioner himself or through an expert as to why the degree obtained by him from Trinity College should not be recognized and thereafter to pass a reasoned order within a stipulated time.

5. Drawing attention to page Nos. 145 to 147 being the memo under challenge containing the reasoned order and the summary of the minutes as recorded on 16.02.2015 it is submitted by Mr. Chatterjee that the said reasoned order is contrary to the finding of the judgment and order dated 10.09.2013 as passed in WP 127687 (W) of 2011 inasmuch as in the said reasoned order practically no reason has been assigned as to why the said committee found that the writ petitioner does not possess the requisite qualification for being registered as 'Clinical Psychologist' within the meaning of the said Act of 1992.
6. It is further submitted by Mr. Chatterjee that in the said reasoned order the said committee did not consider the provision of Section 12 of the said Act which deals with the subject of recognition of qualification granted by the institutions outside India. It is thus contended by Mr. Chatterjee that since the writ petitioner has obtained Ph.D. in Liberal Studies and Psychology from an esteemed institution of the world that is; Trinity College the said committee ought to have considered such qualification of the writ petitioner as

a valid qualification and thus there cannot be any jurisdiction on the part of the said committee to decline registration to the writ petitioner as 'Clinical Psychologist' as prayed for.

7. In his next limb of submission, Mr. Chatterjee further contends that in the said committee meeting no member was present having requisite qualification in clinical psychology.
8. *Per contra*, Mr. Ghosh, learned Advocate appearing on behalf of the respondent Nos. 2, 3, 4 and 6 at the very outset draws attention of this Court to Sections 11 and 12 of the said Act of 1992 and its Schedule. It is submitted by Mr. Ghosh that on conjoint perusal of Section 11 read with the Schedule of the said Act of 1992 it would reveal that the Schedule of the said Act clearly specifies the names of the university/institution, the names of the recognized courses and the qualification(s) which is/are to be obtained by an individual to get him recognized as a rehabilitation professionals. It is submitted by Mr. Ghosh since the university or the institute from which the writ petitioner obtained his Ph.D. in Liberal Studies and Psychology is not included in the Schedule of the said Act of 1992 the said committee is very much justified in rejecting the prayer of the writ petitioner.
9. It is further submitted by Mr. Ghosh that Section 12 of the said Act confers power upon the said Council of India which is a statutory body to make negotiation with the authority in any country outside

India for settling of a scheme of reciprocity for the recognition of qualification. It is thus submitted by Mr. Ghosh that since no reciprocity arrangement has yet been made by the Rehabilitation Council of India and the institution from which the writ petitioner obtained his Ph.D. degree the prayer of the writ petitioner cannot be considered favourably by the said committee of the said Council.

10. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court considers that for effective adjudication of the instant *lis* the provision of Sections 11 and 12 of the said Act of 1992 are required to be looked into and those are quoted hereinbelow:

“11. Recognition of qualification granted by University, etc., in India for rehabilitation professionals.- (1) *The qualifications granted by any University or other institution in India which are included in the Schedule shall be recognized qualifications for rehabilitation professionals.*

(2) *Any University or other institution which grants qualification for the rehabilitation professionals not included in the Schedule may apply to the Central Government to have any such qualification recognized, and the Central Government, after consulting the Council may, by notification, amend the Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column*

of the Schedule against such qualification only when granted after a specified date.

12. Recognition of qualifications granted by institutions outside India.-*The Council may enter into negotiations with the authority in any country outside India for settling of a scheme of reciprocity for the recognition of qualifications, and in pursuance of any such scheme, the Central Government may, by notification, amend the Schedule so as to include therein any qualification which the Council has decided should be recognized, and by such notification may also direct that an entry shall be made in the last column of the Schedule declaring that it shall be the recognized qualification only when granted after a specified date.”*

11. It appears to this Court that the Scheme and Object of enactment of the said Act of 1992 is also required to be looked into and the same has been specified in its preamble in the manner indicated hereinbelow:

“An Act to provide for the constitution of the Rehabilitation Council of India for regulating and monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education, the maintenance of a Central Rehabilitation Register and for matters connected therewith or incidental thereto.”

12. On conjoint perusal of the preamble of the said Act of 1992 along with Sections 11 and 12 of the said Act it reveals to this Court that Rehabilitation Council of India is a creature of a statute and it has

been established for regulating and monitoring the training of rehabilitation professionals and for promoting research in rehabilitation and special education.

13. Section 11 read with Schedule of the said Act deals with the recognition of qualification granted by universities, etc. in India for rehabilitation professionals and the said Schedule specifies the names of the universities/institutions, the names of the course and the qualifications which has/have to be obtained by an individual for obtaining a recognized qualification for rehabilitation professionals under the said Act of 1992.
14. So far as the Section 12 of the said Act is concerned it appears to this Court that it is within the domain of the said Council to enter into negotiation with the authority of any country outside India for settling a scheme for the recognition of qualification. It further appears that Central Government has power to amend the schedule of the said Act in consultation with the said Council for inclusion of universities and/or institutions which grants qualification for the rehabilitation professionals.
15. Coming to the factual aspects of this case it appears to this Court that neither the degree nor the institution wherefrom the writ petitioner obtained his Ph.D. is included in the Schedule of the said Act. No material could be placed before this Court that in the meantime the said Council has granted recognition of the degree as

granted by the Trinity College of United Kingdom. Though in course of his submission Mr. Chatterjee contended that pursuant to the provision of Section 12 of the said Act of 1992 the Council is duty bound to make negotiation with the foreign institution but such argument in considered view of this Court appears to be not convincing one since in exercising writ jurisdiction this Court cannot enter into the administrative domain of the said Council and thus this Court has got no authority to ask the said Council to make negotiation with any authority for amending the schedule of the said Act.

16. On perusal of the reasoned order *vis-à-vis* the summary of the minutes which is/are under challenge in this writ petition it reveals to this Court that the relevant committee of the said Council had given due opportunity of hearing to the writ petitioner and thus by no stretch of imagination it can be said that during such hearing principle of natural justice has not been followed. From the summary of the minutes it reveals further that the committee members of the said Council has also considered that degree obtained by the writ petitioner and in doing so had gone through the subjects as read by the writ petitioner.
17. It further reveals to this Court that after much deliberation the said committee came to a finding that the qualification as possessed by the writ petitioner does not come under the purview of Section 11

read with the Schedule of the said Act of 1992. This Court thus considers that such decision of the committee is not perverse and while disposing the instant writ petition this Court cannot substitute its own view which is contrary to the view taken by the said committee in accordance with the provisions of the said Act of 1992.

18. The argument of Mr. Chatterjee that in the said committee that there was no member having requisite qualification in Clinical Psychology is also not acceptable to this Court because the composition of a committee is within the domain of the Rehabilitation Council of India and in absence of any statutory violation this Court must not enter with regard to the validity of the said committee.
19. This Court thus finds no merit in the instant writ petition and the same is thus dismissed.
20. There shall be, however, no order as to costs.
21. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(PARTHA SARATHI SEN, J.)