

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 28290 of 2024

Soumyajit Sadhukhan

versus

The State of West Bengal and others

For the petitioner

Mr. Joy Chakraborty

For the State

Mr. Sirsanya Bandopadhyay
Mr. Ritesh Kumar Ganguly

For the respondent No.3

Mr. D.N. Maiti
Mr. A. Santra

Heard on

28.02.2025

Judgment on

28.02.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the
respondent authorities to revoke and cancel the purported order

of suspension dated 19.11.2024, thereby debarring the petitioner from entering into the college and taking classes.

Report filed on behalf of the Medical Superintendent-cum-Vice Principal, IPGMER-SSKM Hospital, Kolkata dated 20.02.2025 in Court is taken on record. Copies of the same are served on learned counsels for the appearing parties.

It is surprising that the respondent Medical College has chosen not to represent itself today although their learned counsel had on an earlier occasion advanced his submissions.

Learned counsel for the petitioner submits as follows. While doing his classes the petitioner had accidentally injured a classmate. Actually, there was an incident of teasing, which amounted to a sudden provocation upon the petitioner to react. For this, the petitioner has been suspended with immediate effect until further orders. This will seriously affect his attendance of classes for the medical course. Moreover, the first internal assessment examination is to commence on 01.03.2025. The petitioner's family consulted with relevant medical experts, who found that he was quite capable of attending classes.

It had earlier been submitted on behalf of the respondent College that the other students had made a representation that the petitioner had assaulted the victim with his fist. The

medical documents relied upon by the petitioner referred to some kind of panic attack that can be attributed to any trigger. Unless the safety and security of other students can be secured, it would not be possible to allow the petitioner to do the classes.

The medical reports refer to panic attack and mood disorder. These issues are to be dealt with by medical experts. The College authorities were also correct in saying that they had to ensure the security of others.

However, the perusal of the case diary on an earlier occasion revealed that there was serious and grave provocation by other student/s that had resulted in the petitioner to react.

In such circumstances, the State was asked to arrange for an independent medical evaluation of the petitioner vis-a-vis the issues of mood disorder and panic attack by constituting a Medical Board of Experts at the IPGMR, Kolkata.

It appears that pursuant to such order, a Medical Board of Experts was constituted at the IPGMR-SSKM Hospital. Among other things, the Board held that regarding current mental status of the patient, the Board Members had found no active psychopathology in him, while he was reportedly on medication prescribed by the treating private psychiatrist and collectively opined that the patient was physically and mentally fit to attend his theory and practical classes. As suggested by the Board, the

petitioner should undertake necessary and regular treatment which he was currently undergoing.

Therefore, in view of the experts' opinion, I find no reason not to allow the petitioner to continue with the classes or to sit for the examination in question.

In view of the above, the impugned order of suspension is set aside and the respondent authorities are directed to allow the petitioner to attend classes and to sit in the examination. The attendance that was lost by the petitioner due to the suspension order shall be credited in favour of the petitioner.

However, the College authorities shall take all steps to ensure safety and security of the students and all, including the petitioner. If necessary, they would sensitise the students regarding their roles and activities and the requirement that the same should not adversely affect the rights of any individual student. If the College authorities consider it necessary, they would be at liberty to take help of the police authorities in this regard, who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously upon compliance of requisite formalities.

(Jay Sengupta, J.)

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