14-10-2026
Item No.7
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.29250 of 2026
Dr. Biswapriya Mandal
-vs-
The National Board of Examinations in Medical Sciences & Ors.

Mr. Shamim Ahammed
Mr. Arka Maity
Ms. Ambiya Khatun ...for the petitioner

Mr. Sukanta Chakrabarty
Ms. Tanusri Ghosh ...for the Union of India

Ms. Tanusree Gosh ...for respondents no.1-3

1. The instructions forwarded on behalf of the National Board of Examinations in Medical Sciences filed in Court today is taken on record. Perused the same.
2. From the impugned order dated September 29, 2026, it appears that the National Board of Examinations in Medical Sciences disagreed to grant relaxation to the petitioner for being registered in the DNB General Medicine course.
3. It appears from records that the release order was issued in favour of the petitioner by the Chief Medical Officer of Health, Howrah only on September 14, 2026, that too, after the order was passed by this Court on August 24, 2026 in the writ petition filed by the petitioner being WPA No.21686 of 2026.
4. The Court specifically granted liberty to the petitioner to apply afresh for study leave. The

study leave was allowed by the authority in September 2026, following which the release order had been issued.

5. The petitioner has averred in the writ petition that he already took admission in Howrah District Hospital for pursuing his DNB General Medicine course. The petitioner failed to get himself admitted in proper time as his case was litigated and it took some time to arrive at a decision in the matter.

6. Learned counsel for the National Board of Examinations in Medical Sciences vehemently opposes the prayer of the petitioner. It has been submitted that seven months of the subject course are over and that there is every possibility that a further writ petition may be filed by the petitioner seeking relaxation of marks and attendance.

7. The impugned communication dated September 29, 2026 clearly mentions that such type of relaxation is granted on a case-to-case basis and not as general relaxation. The case of the petitioner has to be taken on its own merit and ought not to be considered as general relaxation or a precedent for other cases.

8. Since the petitioner has already been released from his service, although at a delayed point of time, and he has already taken admission in the course in Howrah District Hospital, accordingly, the National Board of Examinations in Medical Sciences is directed to register the candidature of the petitioner by granting relaxation as an in-service candidate for pursuing the subject course.

9. The relaxation shall be granted in case of the petitioner in view of the litigations which the

petitioner had to initiate for obtaining the permission to get admitted in the course as Trainee Reserve in-service candidate.

10. The National Board of Examination in Medical Sciences is directed to take necessary steps to ensure registration of the petitioner at the earliest.

11. The writ petition is disposed of.

12. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

13. Certified server copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]