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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 30850 of 2024

**RABINDRANATH TAGORE INTERNATIONAL
INSTITUTE OF CARDIAC SCIENCES
Vs.
WEST BENGAL CLINICAL ESTABLISHMENT
REGULATORY COMMISSION (WBCERC) & ANR.**

Mr. Soumya Majumdar, Sr. Advocate
Ms. Somali Mukhopadhyay, Advocate
Mr. Arunima Dutta, Advocate
Mr. Ankush Majumdar, Advocate

.....for the Petitioners

Mr. Atarup Banerjee, Advocate
Mr. Rajdeep Pramanik, Advocate
Ms. Simika Roy, Advocate

.....for the WBCERC

1. Affidavit of service, as filed, be kept with the record.
2. In spite of service, none appears for the private respondent.
3. The petitioner will pay a sum of Rs.20,000/- to the private respondent, since a discount of Rs.60,000/- has already been given. This, in view of the fact that the private respondent, who was present in person on 04.12.2025, had categorically submitted that he would be indifferent to any payment made by the Clinical Establishment.
4. Such payment shall be made by 31.01.2026.
5. The cause of action of the private respondent, in so far as the allegations against the attending Doctors are concerned, remains untouched and is left open to be decided by the Medical Council or any other appropriate authority as may be advised.
6. The outcome of any complaint against the attending Doctors cannot be construed to give a further cause of action to the private respondent against the Clinical Establishment since the same has already been

decided by the West Bengal Clinical Establishment Regulatory Commission (Hereinafter the Commission) on 07.08.2024.

7. The aforesaid order of the Commission is modified to the extent as indicated.
8. **WPA 30850 of 2024** is accordingly **disposed of**. No order as to costs.
9. The payment to be made by the Clinical Establishment/ Petitioner shall not be treated as a precedent as it is being made in the facts and circumstances of the instant case.

(Reetobroto Kumar Mitra, J.)