

09.04.2026
Item No. 26
Ct. No.01
PG

W.P.A.(P) 138 of 2026
Ajay Biswas
Vs.
The Union of India & Ors.

Md. Sarwar Jahan
Mr. Sayantan Hazra
Ms. Shalini Sen
Ms. Sahina Parvin
Mr. Emrul Kayes
Mr. S. Roy Chowdhury.....for the petitioner

Mr. Tapan Kr. Mukherjee, Ld. AGP
Ms. Tuli Sinha.....for the State

Mr. Kumar Jyoti Tiwari
Ms. Amrita Pandey
Ms. Anamika Pandey
Mr. Aniruddha Tiwari
.....for the Union of India

Mr. Debasish Sur
Mr. Jay Bhattacharjee
Mr. Amitava Chowdhury
....for the respondent no. 2

DICTATED BY SUJOY PAUL, C.J.:

1. Parties are represented through their respective learned counsel.
2. Learned counsel for petitioner submits that respondent no. 10 is running a clinic in the name and style “Darshan Health Foundation” in Nadia, where he projected himself as Assistant Professor, Doctorate in Optometry (HC), M.Sc. in (Optometry),

DEMS(Gold Medalist), D.C.MS. Ex-(Int.), Gandhi Memorial Hospital, Kalyani, whereas he does not have any such qualification to run the said clinic.

3. To support that submission, learned counsel for petitioner placed reliance on the communication of Chief Medical Officer of Health, Nadia dated 29.11.2022, wherein after hearing the private respondent, the said authority opined as under:

“After the hearing with Sri Rajib Basu, it is conclusive that;

1) He does not have any valid certificate to conduct any kind of medical or technical practice.

2) He has passed 10+2 with commerce as stream, later, as per his statement he has passed higher secondary again from an organisation named Intermediate Council of Higher Secondary Education in science stream.

3) He only has a certificate that he has taken a training as Health Worker from West Bengal State Council of Vocational Education and Training.”

4. For same reason, reliance is placed on another communication of said authority dated 28.02.2023. It is submitted that the private respondent is facing two criminal

cases under sections 318(4)/ 319(2)/ 118(2)/123/286 of the BNS, 2023 read with section 34 of NMC Act. He unsuccessfully made an attempt to obtain anticipatory bail, which was rejected by Sessions Court vide order dated 2.09.2025. (Annexure-‘P9’).

5. It is submitted that the private respondent is running a clinic without any authority and licence and the innocent patients are suffering in the hand of a quack.
6. Learned counsel for the State produced a report dated 27.03.2026 prepared by Assistant Chief Medical Officer of Health, Ranaghat, Nadia and drew our attention to the communication of the UGC dated 13.12.2023 (Page 33 of the report), which indicates that Sunrise University, Alwar, Rajasthan from where private respondent alleged to have obtained a degree is not authorised to open study centre/off campus centre beyond the territorial jurisdiction of the State.

7. Sri Mukherjee, on a specific query from the Bench, fairly informed that a F.I.R. has been lodged against the private respondent and department is taking coercive action against him. He submits that since department is satisfied that private respondent does not have authority to practice in the said clinic, appropriate action will be taken to close the said clinic and compliance report will be filed before this Court.
8. He prays for and granted seven days time to comply with his own observation.
9. The respondent nos. 5 and 6 shall comply with the said undertaking within seven days.
10. List this matter on 22.04.2026.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)