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WPA 9697 of 2026

Dr. Mriganka Mouli & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Apurba Ghosh
Mr. Anandya Ghosh
.... for the petitioners

Mr. Swapan Kumar Datta, learned G.P.
Mr. Rajat Datta
Mr. Tapas Kumar Roy
.... for the State

Mr. D. N. Maiti
Mr. A. Santra
.... for the respondents no. 3-6

1. Affidavit of service, filed today, is taken on record.
2. The petitioners are all doctors and are engaged in the JNM Hospital. They have engaged in private practice, in terms of the Act, Rules and the Notification, which find credence from the resolution dated November 23, 2011, as mentioned in the Memorandum No. HF/O/MERT/483/UHS/Estt/02/2012 dated April 17, 2012.
3. This practice has been going on for a substantial period of time. However, for the month of March, the petitioners have been receiving an amount on account of non-practicing allowance. They had immediately informed the University, which, however, did not have any response till April 20, 2026, a copy whereof is handed up and is kept on record. This intimation by

the respondent 4 to the respondent no. 6 specifies that no teacher or officer of the University shall engage himself in private tuition or private practice as a medical practitioner. Thus, the petitioners will not be permitted to engage in private practice and hence will be entitled to receive non-practicing allowance.

4. This process has been challenged by the petitioners.

5. Mr. Santra, learned Advocate appearing for the respondents, submits that Executive Council has held a meeting and reversed the resolution of November 23, 2011.

6. However, no such document is on record.

7. In view of the aforesaid submissions, I direct the respondent no. 4 to file a report along with all supporting documents regarding any resolution that may have been taken or any further steps may have been taken by the Executive Council in aid of the decision to stop the petitioners from engaging in private practice or private tuition as medical practitioners.

8. Let this report be filed by way of an affidavit by May 15, 2026.

9. List this matter on May 21, 2026 under the heading "Motion" for further consideration.

(Reetobroto Kumar Mitra, J.)