

19.12.2024  
Item No.6  
gd/ssd

WPA(P)/408/2024  
PEOPLE FOR BETTER TREATMENT (PBT)  
THROUGH ITS PRESIDENT, DR. KUNAL SAHA  
VS  
STATE OF WEST BENGAL AND ORS.

Dr. Kunal Saha  
..Petitioner (In Person).

Mr. Kishore Datta, Id. Advocate General,  
Mr. Amitesh Banerjee,  
Mr. Nilotpal Chatterjee,  
Mr. Piyush Agarwal,  
Ms. Ipshita Banerjee,  
Mr. Akash Dutta,  
Ms. Shrivalli Kajaria  
..for the State.

1. The petitioner in this writ petition is an Organization called "People for Better Treatment" represented by its President, Dr. Kunal Saha, who is appearing in person.

2. The petitioner seeks for a direction to conduct an investigation with regard to the appointment of the 3<sup>rd</sup> respondent as Assistant Professor in the Department of Psychiatric Epidemiology, SSKM-IPGMER Hospital and Medical College.

3. The learned Advocate General has raised two preliminary objections with regard to the maintainability of the writ petition as well as the petitioner.

4. It is submitted that the petitioner is stated to be an Organisation, who is represented by its President,

Dr. Kunal Saha, who is appearing in person before this court, who is an overseas citizen of India (OCI) and that under the Citizenship Act, an overseas citizen of India cannot represent an Organisation which is stated to be a registered body. The second objection is that the subject matter is a service matter on which a public interest litigation is not maintainable.

5. Dr. Kunal Saha, appearing in person, submitted that identical objections were raised in other litigations as well and they have been dealt with and he is in possession of the copies of those judgments and prays for time to place the same.

6. In the light of the above, the matter stands adjourned and the petitioner is directed to satisfy this court as regards the two preliminary objections raised by the learned Advocate General. The petitioner shall also file a supplementary affidavit appending the copy of the Registration Certification as well as the list of Members of the petitioner-Organisation which is stated to be a Registered Body.

7. List this matter on 16<sup>th</sup> January, 2025.

**(T. S. SIVAGNAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**