

D)

ITEM NO.MM 2-A

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NOS.1-5 OF 2012 IN

Petition(s) for Special Leave to Appeal (Civil) Nos.17684-17688/2012

(From the judgement and order dated 17/05/2012 in MAT No.661/2012,
MAT No.681/2012, MAT No.688/2012, MAT No.793/2012, MAT No.840/2012 of
The HIGH COURT OF CALCUTTA)

PROSENJIT DAS & ORS.

Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

(With appln(s) for directions)

Date: 21/08/2012 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Bijan Ghosh, Adv.
Mr. Asit Kumar Roy, Adv.
Mr. Snehasish Mukherjee, AOR

For Respondent(s) Mr. Deba Prasad Mukherjee, AOR
Mrs. Nandini Sen, Adv.

For State of West Bengal Mr. Soumitra G. Chaudhuri, Adv.
Mr. Abhijit Sengupta, AOR

For Dept. of Health & Family Welfare, Govt. of W.B. Mr. G.S. Chatterjee, Adv.
Ms. Runa Bhuyan, Adv.

Mr. Santi Ranjan Das, Adv.

For MCI Mr. Amit Kumar, Adv.
Mr. Ashish Kumar, Adv.
Mr. Atul Kumar, Adv.
Ms. Rekha Bakshi, Adv.
Ms. Rajiv Agarwal, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. Nos.1-5 of 2012, filed in the disposed of special leave petitions, have been taken up for consideration, on account of the relief which has now been prayed for on behalf of the petitioners.

As will appear from the order passed on 28th May, 2012, this Court had recorded the fact that there was a certain urgency in the matter, since admissions to the post-graduate courses were going to be closed on 31st May, 2012. On that basis, a request was made to the Chief Justice of the Calcutta High Court to list the matter before a Bench for expeditious hearing and the concerned Bench was

requested to decide the appeals within three weeks. Three weeks from the date of the order takes us to the middle of June, 2012. Unfortunately, even at the end of August, 2012, the appeals have not been decided and, in fact, for whatever reason, the Hon'ble Judges hearing the appeals decided to release the matter. We are not going into the question as to why the Bench released the appeals, but as has been submitted on behalf of the other respondents, certain conditions were created in the Court, which compelled the Court to release the matter. This allegation has, of course, been denied on behalf of the petitioners.

Be that as it may, the sole reason for the order being passed on 28th May, 2012, was keeping in mind the fact that admissions were going to close on 31st May, 2012. As has been pointed out by Mr. Amit Kumar, learned counsel appearing for the Medical Council of India, already two months have passed since the course has begun and it is difficult for the Medical Council of India to deviate from the period prescribed for each particular course. Even then, since an order has been passed by this Court on 28th May, 2012, it must be given effect to in the spirit in which it was passed.

We are informed by learned counsel appearing for the parties that the appeals have already been assigned to another Bench and that the matters are being heard on day to day basis and even listed for hearing today. In that context, we request the Bench concerned to ensure that the appeals are disposed of within two weeks from date, so that if any benefit is to be derived by the petitioners from the order of the Division Bench, the same be made available to them during the current academic year itself.

We make it clear that we have not considered any other aspect of the matter while disposing of the interlocutory applications and the Division Bench will be at liberty to decide the matter in such a manner as it deems fit and proper.

Let a copy of this order be communicated to the Registry of the Calcutta High Court forthwith and let copies also be made available to the learned Advocate for the respective parties, for communication.

The interlocutory applications are disposed of accordingly.

|(Chetan Kumar)
|Court Master

| |(Juginder Kaur)
| |Assistant Registrar

|
|