

ORDER SHEET

WP No. 3 of 2018
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PEOPLE FOR BETTER TREATMENT (PBT)
Versus
WEST BENGAL MEDICAL COUNCIL (WBMC) & ANR.

BEFORE:

The Hon'ble CHIEF JUSTICE THOTTATHIL B. RADHAKRISHNAN

The Hon'ble JUSTICE BISWANATH SOMADDER

Date : 18th April, 2019.

Mr. Srikanta Dutta,
Ms. Rituparna Sarkar Dutta, Advs.
...for the petitioner

Mr. Saibalendu Bhowmik,
Mr. Biplab Guha, Adv.
...for WBMC

The Court : The issue sought to be raised in the instant writ petition relates to disruption of health care activities due to strikes called by medical practitioners. The parties have exchanged their affidavits in the matter. The writ petitioner has referred to and relied on a judgment and order of the Supreme Court dated 11th November, 2014 which was rendered in Writ Petition (Civil) No. 253 of 2012. Relevant portion of the

order dated 11th November, 2014, passed by the Supreme Court, as contained in paragraph 5, is required to be noticed. For convenience paragraph 5 is set out hereinbelow :

"The relief sought in this writ petition is commendable but difficult to either grant or if it is granted to enforce. Reliance must be placed upon the Constitution Bench decision in Common Cause, A Registered Society v. Union of India & Others (2006) 9 SCC 295, wherein this Court suggested that the Bar Council of India and State Bar Councils are the relevant authorities which must take disciplinary action against Bar associations on a strike and sponsors of such boycotts. On a perusal of the aforesaid, we are of the considered opinion that the same analogy would be equally applicable in case of the doctors on strike and that the appropriate authority i.e. the Medical Council of India and other State Medical Councils must be approached to take suitable action against such striking doctors."

Taking into consideration the observation made by the Hon'ble Supreme Court in the paragraph as quoted hereinabove, we are of the view that the writ petition can be disposed of by reiterating the observation made by the Supreme Court in the said judgment and order dated 11th November, 2014 – as contained in paragraph 6 – which reads as follows :

"Therefore, we would only express our desire that the Doctors, who carry out a noble service as God's agent by saving lives of people, should not resort to strikes with any intermittent cause but undertake their responsibility with efficiency and utmost sincerity at all times."

The writ petition stands disposed of accordingly.

(THOTTATHIL B. RADHAKRISHNAN, CJ.)

(BISWANATH SOMADDER, J.)

TR/pa