

**IN THE SUPREME COURT OF INDIA  
CIVIL APPEALATE JURISDICTION**

**I A. NO. \_\_\_\_\_ OF 2012**

**IN**

**SPECIAL LEAVE PETITION (CIVIL) NO. 7601 OF 2011**

**IN THE MATTER OF :-**

“People for Better Treatment” (PBT)

**....Petitioner**

Versus

Dr. Ketan Desai & Ors.

**....Respondents**

With

Civil I.A. No. \_\_\_\_\_ of 2012

Application for Impleadment

With

**PAPER BOOK**

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**ADVOCATE FOR THE PETITIONERS: T.V. GEORGE**

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“People for Better Treatment” (PBT)

....**Petitioner**

Versus

Dr. Ketan Desai & Ors.

....**Respondents**

**AND IN THE MATTER OF :-**

1. Malay Kumar Ganguly  
Subal Appartment, Flat No. E-1, 1<sup>st</sup> Floor,  
7 Nilganj Road, P.O. Belgharia,  
Kolkata - 700056 Applicant No.1
2. Mr Suraj Prakash Manchanda  
C-2/358, Keshav Puram  
Delhi - 110035 Applicant No.2
3. Mr. Sudhir Kumar Srivastava  
1/58, Sector A, Sitpur Road Scheme,  
Janakipuram. Near Ram Ram Bank Chauraha,  
Luck now - 226024 (UP) Applicant No.3
4. Ms. Nanda Chawdhury  
10, Rajkrishna Paul Lane, Garffa Main Road,  
Jadavpur, Kolkata - 700075 Applicant No.4
5. Ms. Ratna Ghosh  
17, Nabinpally,  
P.O. Morepukur (Rishra)  
Dist. Hooghly, Pin - 712250 Applicant No.5
6. Ms. Tanushree Ganguly  
Subal Appartment, Flat No. E-1, 1<sup>st</sup> Floor,  
7 Nilganj Road, P.O. Belgharia,  
Kolkata - 700056 Applicant No.6

7. Mrs. Maumita Bhadury  
BRP Tower, Block-A, 3<sup>rd</sup> Floor,  
18/3, Kumud Ghoshal Road,  
P.O. Ariadaha, Kolkata - 700056 Applicant No.7
8. Mr. Joydeb Bose  
77/8 (9) Raimohan Banerjee Road  
Kolkata - 7000108 Applicant No.8
9. Mr. Gopal Paul  
16, Nabinpally, P.O.  
Morepukur (Rishra) Dist. Hooghly,  
West Bengal, Pin - 712250 Applicant No.9
10. Mr. Shyamal Bose  
11/B, Lakshmi Dutta Lane,  
Kolkata - 700003 Applicant No.10
11. Mrs. Jayeeta Verma Sarkar  
W2A 9/6, Phase IV (B)  
Golf Green Kolkata - 700095 Applicant No.11
12. Ms. Srijeeta Verma  
A-11/11, Happy Nook Co-Operative Society,  
Ektp, Phase-iV, Kolkata - 7000107 Applicant No.12
13. Mrs. Sipra Verma  
A-11/11, Happy Nook Co-Operative Society,  
Ektp, Phase-iV, Kolkata - 7000107 Applicant No.13
14. Mr. Manash Kalyan Roy  
A/4, Hinterland Complex, 1<sup>st</sup> Floor,  
6A, Roy Ghat Lane,  
P.O. Serampore, Dist. Hooghly  
West Bengal, Pin - 712201 Applicant No.14
15. Mr. Saileswar Chakrabarty  
1/288 Naktala,  
Kolkata - 700047 Applicant No.15
16. Mr. Shibranjhan Chakraborty  
11 Brahmapur Govt Scheme, 73, Brahmapur Road,  
Kolkata - 700070 Applicant No.16

17. Dr. Sarbajit Basu  
60/30, Andul Road, 1<sup>st</sup> Bye Lane,  
Howrah - 711109 Applicant No.17
18. Dr. Deba Priya Mallick  
Bc-245, Salt Lake City, Sector -1,  
Kolkata - 700064 Applicant No.18
19. Mr. Mihir Banerjee  
18/3, S.C. Mukherjee Street,  
P.O. Konnagar, Dist. Hooghly,  
West Bengal, Pin - 712235 Applicant No.19
20. Mr. Pallab Mohan Chakraborti  
155, Netaji Subhas Avenue,  
P.O. Serampore, Dist. Hooghly,  
West Bengal, Pin - 712201 Applicant No.20

TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF  
THE PETITIONER ABOVENAMED

**MOST RESPECTFULLY SHOWETH:**

1. The applicants herein are filing the present application to implead themselves as petitioners in Special Leave Petition (Civil) No. 7601 of 2011 which was filed challenging the judgment and final order dated 22.12.2010 passed by the Hon'ble High Court of Gujarat at Ahmadabad in Writ Petition (PIL) No. 15 of 2010.
2. That the said Writ Petition PIL No. 15 of 2010 filed by a Registered NGO 'People for better Treatment' (PBT) which is primarily involved

with humanitarian activities for prevention of corruption and promotion of better health care in India. The applicants herein are also members of the said registered NGO 'People for Better Treatment' (PBT).

3. The Writ Petition PIL No. 15 of 2010 was filed before the High Court of Gujarat at Ahmadabad questioning the legality of election of respondent No.1 (Dr. Ketan Desai) as a member of the Senate of Gujarat University in a seat meant for medical graduates, in violation of Rules/Regulations applicable to such election.
4. That *vide* the impugned judgment dated 22.12.2010 in Writ Petition (PIL) No. 15 of 2010 the Hon'ble Division Bench of High Court of Gujarat was pleased to dismiss the Writ Petition mainly on the ground that the president of the petitioner association, Dr. Kunal Saha, is a resident of USA and as such, he can have no public interest for the Indians.
5. It is respectfully submitted that the Hon'ble Division Bench of the Gujarat High Court failed to distinguish the fact that the organization 'People for Better Treatment' (PBT) is a legal entity and a charitable organization which is separate from its President and the petitioner organization is registered in India under the Indian laws. The Hon'ble High Court has failed to appreciate that the petitioner organization "People for Better Treatment" (PBT) had already filed several Public interest Litigations and had already obtained many favorable orders from the Supreme Court and High Court in India. The Hon'ble Gujarat High Court has also failed to take note of the fact that "People for

Better Treatment” (PBT) has many official members and numerous voluntary supporters all across India almost all of whom are resident Indians. While the organization’s president, Dr. Kunal Saha, is a permanent resident of USA, he is also a “dual-citizen” or “Overseas Citizen of India” (OCI).

6. That the present Special Leave Petition was filed against the impugned order dated 22.12.2010 passed by Hon’ble High Court of Gujarat and this Hon’ble Court had already issued notice in the said Special Leave Petition on 28.03.2011.
7. That the applicants are members of the petitioner association, i.e. “People for Better Treatment” (PBT). The applicants have joined the association because of their commitment to fight corruption and unethical practices in the medical profession and to improve the medical infrastructure in India. The applicants had been at the receiving end of negligent, inefficient and exploitative practices which is pervasive in the medical profession in India. They are committed to do their best to improve the standard of healthcare delivery system and infrastructure of the hospitals in India.
8. That since the present Special Leave Petition is of vital significance to the future of medical fraternity in India as according to the petitioners, the Respondent No.1 had been misusing his position as President of the Medical Council of India (MCI) as is evidenced by the fact that he had been charge-sheeted by the CBI for accepting bribe while still the president of MCI. The MCI being the apex body responsible for regulating the conduct of the entire medical professionals in India, it is

absolutely necessary that persons with doubtful integrity should be kept away from the MCI and their attempt to occupy the representative body through an illegal route should be nabbed in the bud. It is also important to mention in this context that the MCI directed to cancel the medical registration of Respondent no. 1 for “professional misconduct” in response to a complaint filed in 2010 by the petitioner. But despite cancellation of his medical registration, the Respondent no. 1 was able to get himself elected “unopposed” in the Gujarat University Senate using personal influence. The instant case emanates from this very fact.

9. The applicants believed that it is in consonance with the aims and objects with their organizations namely to ensure better treatment for the patients in India that they should resist the attempt by persons with doubtful integrity to recapture representative bodies of medical professionals. Therefore the applicants are moving the present application impleading themselves as Petitioner No.2 to Petitioner No.21 in the present Special Leave Petition.
10. That the present application has been filed bona fide and in the interest of justice.

### **PRAYER**

It is, therefore, most respectfully prayed that your Lordships may graciously be pleased to:-

- a. Permit the applicants to be impleaded as petitioner No.2 to Petitioner No.21 in the Special Leave Petition Civil No.7601 of 2011.

- b.** Pass any other order/orders as may be deemed fit in the facts and circumstances of this case.

**AND YOUR PETITIONER, AS IN DUTY BOUND SHALL EVERY PRAY.**

Drawn on:

Filed by:

Filed on: January 18, 2012

T. V. GEORGE

Advocate for the petitioner