



INDIAN MEDICAL ASSOCIATION

BENGAL STATE BRANCH

(Registered Under Societies Act XXI of 1860)
Mutually affiliated with The British Medical Association & The Nepal Medical Association
E-mail : imabengalstate@yahoo.co.in • Website : www.imabengal.com
DR. B. C. ROY IMA HOUSE, 11/3, Dr. Biresh Guha Street, Kolkata - 700 017
Hours : 12 Noon to 7 P.M. (Monday to Saturday)
Office : 8961213115



Ref. No. *See/26-28/192*

TEAM IMA BENGAL

Dated *22.10.2026*

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NOTICE FOR INFORMATION

To,

All the Members,
IMA Bengal State.
Date: 22.10.2026

Dear Members,

This is to place before you, with complete transparency, the true and complete facts concerning the litigation presently sought to be used to obstruct the ongoing, democratically scheduled election process of IMA Bengal State, the present status of that litigation, and the legal position governing the conduct of the election in the meanwhile, so that every member is in a position to form an informed and independent opinion.

1. THE PENDING PROCEEDING AND THE SUBSISTING STATUS QUO ORDER

Members are already aware that Dr. Shilpa Basu Roy of IMA Calcutta Branch has instituted Case No. 1937 of 2026 before the City Civil Court at Calcutta, challenging the validity of the existing Constitution of IMA Bengal State and the election being conducted thereunder. IMA Bengal State is contesting the said proceeding on merits, and an order of status quo presently subsists therein. This is the only proceeding, and the only forum, properly and validly seized of the question of the Constitution's validity.

2. THE SUPPRESSION OF MATERIAL FACTS BY DR. DEBASIS DEBANGSHI

Notwithstanding the pendency of the aforesaid Case No. 1937 of 2026 and the status quo order subsisting therein, Dr. Debasis Debangshi of IMA Suri Branch thereafter moved the Ld. Court at Suri on the self-same question. The Ld. Court at Suri declined to grant any relief.

Dr. Debangshi thereafter instituted a fresh suit and preferred an appeal before the Hon'ble High Court at Calcutta, being FMAT 459 of 2026 with IA No. CAN 1 of 2026 (Dr. Debashis Debangshi v. Dr. Chandan Kr. Ghosal & Ors.). At no stage neither before the Ld. Court at Suri, nor before the Hon'ble High Court was any disclosure made of (i) the pendency of Case No. 1937 of 2026, (ii) the subsisting order of status quo passed therein, or (iii) the fact that the Ld. Court at Suri had itself already declined relief on the identical question. This was not an oversight. It was a calculated and deliberate suppression of facts that went to the very root of whether the Hon'ble High Court ought to entertain the matter at all, and it squarely attracts the settled legal principle of suppressio veri, suggestio falsi: the suppression of the truth is, in law, equivalent to the suggestion of a falsehood, and a litigant who approaches a Court of law on a materially

All communications intended for state office should be addressed to The Hony. State Secretary



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incomplete and one-sided record forfeits, prima facie, the equity that interim relief demands.

It is on precisely such an incomplete record that the Hon'ble Division Bench (Sabyasachi Bhattacharyya, J. and Sandip Kumar De, J.), by order dated 15.10.2026, admitted the appeal and granted an ad-interim order restraining the ongoing election process, without IMA Bengal State having been served with, or heard on, either the Suri proceeding or the proceedings before the Hon'ble High Court at any stage prior to the passing of that order.

3. THE CONSTITUTIONAL POSITION DR. DEBANGSHI HAS CHOSEN TO SUPPRESS

IMA Bengal State has, on repeated occasions, placed the following clarification before the Hony. Secretary General, IMA (Headquarters): that under the previous Constitution of 2012, ballots in the election of IMA Bengal State were sent only to Branch Secretaries, and individual State Council Members never enjoyed the right to cast their own vote; whereas under the existing Constitution, in force and applied without interruption since 2014 and through six successive State Elections, ballots are sent directly to every State Council Member precisely as in the elections of IMA (Headquarters) itself, and markedly more democratic than the position that obtained earlier. Every elected body of IMA Bengal State constituted since 2014 has, without exception, been duly recognised by IMA (Headquarters), and the elected Central Working Committee members of IMA Bengal State have themselves participated in the elections of IMA (Headquarters) on that very basis. Despite this clarification having been placed on record, no further communication was received from the office of the Hony. Secretary General controverting it a silence which, in the circumstances, speaks for itself.

Members are also informed that the order dated 15.10.2026 records a reference to an order of the Election Tribunal of the Central IMA dated 16.05.2025, which the appellant has sought to project as an admission against IMA Bengal State regarding the 2014 amendment. IMA Bengal State does not accept that characterisation and will place the complete record, context and terms of that Tribunal order before the Hon'ble Court, together with the clarification and six-cycle recognition set out above, well before the next date of hearing. Members are assured that this is being treated as a matter of the first priority.

4. THE CONDUCT OF DR. DEBANGSHI IS IRRECONCILABLE WITH THE CASE HE NOW SEEKS TO SET UP

What places the bona fides of the present proceeding beyond serious doubt is the conduct of Dr. Debangshi himself. Dr. Debangshi has, over successive years, personally contested elections and held multiple offices under the very Constitution of 2014 whose validity he now impugns. As recently as the State Council Meeting held on



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20th September, 2026 barely three weeks before he chose to raise the question of the Constitution's validity *Dr. Debangshi was personally present, his own name was proposed for several posts in the ongoing election, and he himself proposed and/or seconded the names of other candidates for other posts, all strictly in accordance with, and in conscious reliance upon, the 2014 Constitution.* It was only thereafter, on 10th October, 2026, that Dr. Debangshi addressed a letter of complaint to IMA (Headquarters) questioning the validity of the self-same Constitution under which he had, weeks earlier, sought and solicited electoral support. It is a settled and inflexible principle of law that a person who has knowingly and voluntarily taken the benefit of, and acted under, a particular instrument or process cannot thereafter be permitted to turn around and question its validity for his own advantage a party cannot be allowed, in law, to both approbate and reprobate. Having accepted nomination, having proposed and seconded other candidates, and having participated fully in the process on 20th September, 2026, Dr. Debangshi is estopped, in law and in conscience, from now impugning the very Constitution under which he did all of the above, the moment the prospect of defeat in the election appeared imminent. Conduct of this nature seeking the fruits of a process one day, and disowning the very same process the moment personal advantage dictates otherwise is conduct that no litigant acting in good faith could resort to, and members are entitled to draw their own conclusions as to the motive behind it.

5. THE PROCEEDING IS ALSO MISCONCEIVED IN FORM

It is further placed on record that the proceeding instituted by Dr. Debangshi impleads individual office-bearers rather than the Election Commission of IMA Bengal State, which is the body properly and exclusively entrusted with the conduct of the election. This is not a mere technical infirmity; it reflects, consistently with the rest of the chronology set out above, a proceeding framed not to secure a fair adjudication of a genuine constitutional question, but to achieve the collateral and extraneous object of disrupting an election whose outcome is feared.

6. THE ORDER DATED 15.10.2026 AND WHY THE ELECTION CANNOT PROCEED IMMEDIATELY

Members must be given the complete and accurate legal position, without exaggeration in either direction. By order dated 15.10.2026 passed in FMAT 459 of 2026 with IA No. CAN 1 of 2026, the Hon'ble Division Bench has, at paragraph 13, ordered as follows:

"...the defendants/respondents and their men and agents shall remain restrained by an order of injunction from completing and/or giving effect to the election for the term 2027-2029 except in accordance with the Constitution and the applicable Rules and Bye-laws of 2012 of the IMA,



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Bengal State Branch, as well as from relying upon or enforcing any subsequent purported amendment to the State Constitution/Rules, for the purpose of conducting the 2027-2029 elections, till December 15, 2026 or until further order, whichever is earlier."

This order, however erroneously obtained on a one-sided and incomplete record as set out above, presently subsists and binds IMA Bengal State and its office-bearers until it is vacated, modified, or it lapses by efflux of time. It is a settled and inflexible principle of law that an order of a Court of competent jurisdiction, even one considered by the party bound to be erroneous, must be obeyed for so long as it subsists, and the only lawful remedy lies in having it varied or vacated by the same Court never in disregarding it. Completing or giving effect to the ongoing election under the 2014 Constitution and Rules while this order subsists would expose IMA Bengal State's office-bearers and Election Commission to proceedings for wilful disobedience under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, and would hand the appellant a ready-made, independent ground, over and above the constitutional-validity dispute itself, to have the election struck down as void.

It is for this reason, and this reason alone and not for want of confidence in the merits, which lie squarely in favour of IMA Bengal State for all the reasons set out above that the ongoing election process is not being completed with immediate effect. The matter stands listed for hearing on 23.11.2026, with the affidavit-in-opposition of IMA Bengal State to be filed by 13.11.2026, squarely meeting the one-sided narrative placed before the Hon'ble Court and the misplaced reliance on the Election Tribunal's order dated 16.05.2025. IMA Bengal State is simultaneously examining the filing of an appropriate application for early vacation or modification of the ad-interim restraint, so that the democratic mandate of the membership is not held hostage one day longer than the law requires.

7. DECISION OF IMA BENGAL STATE

Notwithstanding that the above facts and the applicable law lie squarely in favour of IMA Bengal State, and purely out of the highest respect for the process of the Hon'ble High Court and in strict compliance with the order dated 15.10.2026, it has been decided, most regretfully, not to proceed further with the ongoing election process until the restraint recorded at paragraph 13 of the said order is vacated, modified, or lapses on 15.12.2026, whichever is earlier, or until the question of the Constitution's validity, sought to be raised for collateral reasons at the eleventh hour, stands finally and permanently resolved. The State Election Commission of IMA Bengal State is accordingly requested to act in strict conformity with the said order until further

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communication. Till then, the existing Office Bearers shall continue to run the office as usual.

8. AN APPEAL TO THE MEMBERSHIP

Members are earnestly requested to appreciate the chronology set out above in its entirety: a pending suit and a subsisting status quo order suppressed from two successive courts; relief declined at Suri; an ad-interim order obtained from the Hon'ble High Court on a record from which these facts were withheld; a litigant who contested, proposed and seconded candidates under the very Constitution he now disowns, within three weeks of owning it; and a proceeding framed against the wrong parties. Each of these facts is independently verifiable from the record. Taken together, they speak for themselves, and members are invited to form their own view accordingly as to the true motive behind this proceeding and as to whose interest it is truly designed to serve. Members wishing to share their views on this matter, or to be kept informed of further developments, are welcome to write to imabengalstate@yahoo.co.in.

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- Election Commission, IMA Bengal State
- National President, IMA (HQS)
- HSG, IMA (HQS)