

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 131 of 2024

Anima Kumar -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. R.D. Goenka, Ld. Advocate.

For the State Respondents : Mr. R.K. Mondal, Ld. Advocate.

03
21.01.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

By filing this application, the applicant has prayed for a direction to the respondent authorities to give appointment to the post of Homoeopathic Pharmacist. She had participated in the selection process for the post under PWD category. Though recommended by the Health Recruitment Board, subsequently her candidature was cancelled by the impugned Memo. which gave the reason that she had only 12% disability. As understood from the advertisement, a candidate claiming to be a PWD category has to have 40% disability and such disability is examined and certified by a Medical Board. Though the applicant has furnished a copy of her disability certificate showing disability at 45%, but instead of Medical Board, this certificate has been issued by the Medical Superintendent & Chairman, Deben Mahato (Sadar) Hospital, Purulia. Submission of Mr. R.K. Mondal is that as per assessment of the Medical Board, her disability is only 12%.

Mr. R.K. Mondal, learned counsel presents a copy of Medical Report dated 17.04.2023 for Anima Kumar, the applicant. On examination of this Medical Report, the Tribunal has understood that such report was given by the Central Medical Board comprising of three Doctors. Against column No. 2, Unfit on account of 12% (Twelve percent) handicap is shown with the remarks that she could not avail the handicap quota.

Candidates in different examinations for recruitment to civil posts and claiming certain reservations under persons with disabilities are required to be medically examined by a Medical Board constituted by the Department of Health & Family Welfare. In this case, the applicant's claim of being 40% disability was referred to a Medical Board by the Department. This Central Medical Board after examining the applicant recorded only 12% handicapped. This Medical Board constituted of three Doctors from separate specialities. The Medical Report submitted by the Central Medical Board and being the

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authorised Board overrules any Medical Disability Certificate issued by any Doctor or Hospital. Thus, the Disability Certificate produced by the applicant and issued by the Medical Superintendent of Deben Mahato (Sadar) Hospital, Purulia is superseded by the Medical Report furnished by the Central Medical Board. Thus, the Tribunal has come to this conclusion that the applicant being recorded only 12% of physical disability cannot claim and avail any seat falling under the handicapped quota.

Therefore, this application is disposed of without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

SS/CSM