

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 242 of 2024

Sudarsan Guria -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant	: Mr. R.K. Singh, Ld. Advocate.
For the State Respondents	: Mr. G.P. Banerjee, Ld. Advocate.
For the PSC, WB	: Mr. Sourav Bhattacharjee, Ld. Advocate.

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20.02.2025

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.

In today's submission, Mr. R.K. Singh, learned counsel for the applicant submits that Disability Certificates were issued to the applicant under the provisions of Rule 4 of West Bengal Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1999. Submission is that these certificates were valid certificates in which the degree of disability has been recorded above 40%. Further, the learned counsel for the applicant submits that the Central Medical Board under the provisions of Rule 10 of WBSR, Part-I is mandated only to assess the general medical fitness of the applicant. In their report, this Central Medical Board by making a comment that "degree of disability is below 40%" has exceeded their jurisdiction.

Mr. G.P. Banerjee, learned counsel appearing on behalf of the State respondents refers the letter dated 28.05.2024 from Technical Education, Training and Skill Development Department addressed to the Principal Secretary, Health and Family Welfare Department. In this letter, the Department of Health and Family Welfare has been requested to "initiate a thorough verification process of certificates of disability issued to Shri Sudarshan Guria". The letter also requests for ascertaining the disability criteria as mandated by the Statute. Mr. Banerjee submits that such request for re-verification of the medical certificates are to be examined by the Appellate Medical Board constituted under West

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Bengal Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1999.

After hearing the submissions of the learned counsels, the Tribunal finds that the core issue in this matter relating to degree of disability is pending for decision with the Appellate Medical Board. Therefore, the Tribunal restrains itself from interfering in this matter which is a speciality of medical personnel. However, it directs the Principal Secretary, Health and Family Welfare Department to advise the Appellate Medical Body to initiate and complete the process of verification of Disability Certificate expeditiously as was requested by the Technical Education Department. Since the Principal Secretary is not a respondent in this application liberty is given to the applicant's side to add him as Respondent No. 1A. Let the cause title be amended during the course of the day and let the copy of the application along with copy of this order be communicated to the Principal Secretary, Department of Health and Family Welfare.

Let the matter appear under the heading "**Hearing**" on **22.04.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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