

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 385 OF 2024

SUBHAM KAPRI & ANOTHER - Vs – THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

05
31.07.2025

For the Applicant : Mr. Ujjal Ray
Advocates

For the State Respondents : Mr. Sankha Ghosh
Advocate

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

In this application, from the submissions of the learned counsels and records, it has become clear that the applicants whose names were recommended by the Public Service Commission for the post of Group- 'C' were required to complete their Medical Examination. The applicants belonging to Physically Handicapped, (Hearing impaired) had appeared for such Medical Examination before the Medical Superintendent-cum-Vice Principal Medical College and Hospital, Kolkata on 10.04.2023. However, as submitted by Mr. U. Ray, learned counsel for the applicant, the applicant due to ill health, could not complete the process of Medical Examination. This fact is also reflected in the letter of MSVP addressed to the Director in Memo. 28 dated 25.04.2024. Since the applicant could not complete the Medical Examination, the Director of Technical Education and Training wrote to the Medical Superintendent-cum-Vice Principal in Memo. 414 dated 21.03.2024 requesting re-medical examination of these two applicants

along with one more candidate. In response to such advise of the Director, the MSVP replied that “however, Subham Kapri and Santanu Tikait did not complete the process of verification of their respective disability. Therefore, the question of re-medical examination does not arise for Subham Kapri and Santanu Tikait.” The letter also informs that one application is pending before this Tribunal and since it is subjudiced, therefore, such Medical Examination cannot be done at this stage.

Submission of Mr. Roy, is that despite the appointing authority, the Director of Technical Education advising the MSVP to complete the incomplete medical examination, Medical Superintendent-cum-Vice Principal without providing any valid ground has refused to do so. Mr.S.Ghosh, learned counsel appearing on behalf of the State respondents submits that the Director wishing to complete the appointment process had requested the Medical Superintendent-cum-Vice Principal for re-examination, but he has not agreed.

Having heard the submissions and considering the facts and circumstances of this case, this application is disposed of by directing the respondent No. 7, Medical Superintendent-cum-Vice Principal, Medical College & Hospital, Kolkata to complete the process of medical examination of these two applicants - Subham Kapri and Santanu Tikait. It is clear to this Tribunal that such medical examination is not obstructed by any legal hurdles, therefore, this medical examination should be completed within a period of 60 days from the date of communication of this order.

BLR

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)