

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 509 OF 2023

SHAJAD ALAM - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	None
	For the State Respondents	:	Mr. Sankha Ghosh, Advocate
<u>3</u> 17.01.2024	For the Public Service Commission, West Bengal	:	Mr. Saurav Bhattacharjee, 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 parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned letter dated 05.06.2023 informing the applicant about his candidature as unfit. The applicant has been informed that his candidature to the post of LDC under the Directorate of Health Services has been declared unfit by the Central Medical Board for availing the PWD quota. By being successful in the examination for recruitment to the post of Lower Division Clerk, the applicant's name was recommended by the Public Service Commission to the Department of Health and Family Welfare. On the basis of such recommendation, the applicant was required to appear for his medical test before a Medical Board. The applicant, as per his statement in the application form, participated as a physically challenged (visually impaired). However, after completion of the medical examination, on 18.11.2022 the Central Medical Board certified him as only 30% visually handicapped. This Medical Board was consisted of three specialists. Contesting such result of the Central Medical Board, the applicant approached another Doctor for re-examination. This Doctor on 22.11.2022 noted that the candidate is 60% visually impaired. The requirement for being considered as visually PWD is 40% and above as mentioned in the

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advertisement issued by the Public Service Commission. By placing another medical certificate issued by a Doctor declaring him 60% visually impaired, the applicant prays for setting aside the impugned correspondence dated 05.06.2023 in which his candidature has been cancelled on the reason that the Central Medical Board has declared him unfit to avail PWD quota. The point of consideration in this application being whether the medical certificate issued after examination by the Central Medical Board can be over-ruled by another opinion expressed by an individual doctor as understood above in earlier paragraphs, the Central Medical Board found only 30% deficiency in his vision whereas the individual Doctor under Regional Institution of Ophthalmology, Department of Health and Family Welfare, found his vision to be 60% impaired.

In the opinion of this Tribunal, the opinion of the Central Medical Board consisting of three specialists cannot be neither equated nor undermined by another doctor's opinion. If such opinions are obtained from several doctors, the percentage may also vary. Therefore, relying on the report of the Central Medical Board, the Tribunal does not find it proper to compare it with another medical report examined by one individual doctor. The decision taken in declaring the applicant as not fit to avail the PWD quota was correct. Therefore, this application, devoid of any merit, is disposed of without passing any order.

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

SCN.