

**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 555 OF 2023**

**GOUTAM ROY - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

04  
30.01.2025

For the Applicant	:	Mr.D.Kundu Advocate
For the State Respondents	:	Mr.Soumendra Narayan Ray Advocate
For the Public Service Commission, West Bengal	:	Mr.Sourav 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 23<sup>rd</sup> 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.

It appears from the submissions and the records that the applicant, Goutam Roy after successfully completing the selection process was recommended by PSC, WB for the post of LDC in the Department of Food Processing Industries & Horticulture. Such recommendation was issued by the Commission by their Memo. 172 dated 01.09.2022. Submission is that more than a year has passed but the applicant has not been offered any appointment letter.

On the question of why the Administrative Department has not issued any appointment letter to the applicant despite passing of one year from the date of recommendation by the Commission, Mr. Ray, learned counsel appearing on behalf of the State respondent submits, on instruction, that it was later found that the very disability certificate produced by the candidate before the Public Service Commission was a

tampered one. In view of such finding, the Administrative Department not being satisfied did not issue the appointment letter.

From the submissions of the learned counsels and the records in this application, it is understood that the respondent authorities found the Disability Certificate tampered and thus decided to cancel the candidature of the applicant for the post of L.D.C. As can be recalled earlier, the Public Service Commission had recommended the applicant to such a post under OBC-B category against vacancy PH(LV). The certificate in question and being termed as tampered one appears to be the Disability Certificate issued by the Disability Medical Board, Sadar Hospital, Krishnanagar, Nadia to the applicant bearing Memo. No. 5945 dated 14.06.2023. However, though the candidature was cancelled on the allegation of submitting such tampered certificate, but the respondent authorities have neither mentioned the details of the certificate nor any order passed giving the reasons for cancellation of the candidature. Mr.D.Kundu, learned counsel on being advised, has presented the original Disability Certificate and insist that this Certificate which was presented before the respondent authority is not a tampered one. In this certificate, partial disability has been shown at 40% and signed by Dr. S.N.Mondal, M.O. ENT Surgeon, District Hospital Nadia, Dr. S.S. Chakraborty, Eye Surgeon, District Hospital, Nadia, Dr. S.Pramanik, M.O. (Physiatrist/PMR Expert) District Hospital, Nadia, and Chairman & Superintendent, District Medical Board, Sadar Hospital, Krishnanagar, Nadia.

It is the observation of the Tribunal that on one hand the applicant has not only presented the original disability certificate as mentioned above, but also on the other hand, the respondent authority has not been able to satisfy the Tribunal as to which certificate has been found to be

tampered. In Memo. 2251 dated 29.05.2023, the Superintendent informs that the Disability Certificate presented by the applicant is a tampered one and further adds that after examination, his disability is only 30%. The respondent authority has neither presented a copy of such Disability Certificate showing only 30% disability nor clearly indicated that the Disability Certificate No. 0234 presented by the applicant was the tampered certificate.

In view of such uncertainties and vagueness, the Tribunal is not satisfied that without giving any opportunity of hearing and without passing any reasoned order, the candidature of the candidate earlier recommended by the Commission has been summarily cancelled. The Tribunal has not been shown any reason why such candidature has been cancelled. The only indication that the candidature has been cancelled is reflected in paragraph 10 and 12 of the reply filed by the State respondents. It is the strong view of this Tribunal that any candidature which was recommended by the Public Service Commission cannot be automatically cancelled without giving the candidate a fair chance to be heard and also without passing any reasoned order. In this case, as it has become abundantly clear, that on suspicion of the Disability Certificate being tampered, the applicant's recommended candidature was summarily cancelled without giving him any opportunity nor by passing a reasoned order.

In view of the above observation, the respondent No. (v) the Secretary, Food Processing Industries and Horticulture Department is directed to examine the entire matter relating to cancellation of the candidature of the applicant for the post of L.D.C. which was recommended by the Public Service Commission, but cancelled on the allegation that the Disability Certificate furnished by the applicant was a

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tampered one. After examination of the entire matter properly, final decision may be taken by providing an opportunity of hearing to the applicant and by passing a reasoned order within three months from the date of communication of this order. A copy of her Reasoned Order be communicated to the applicant within two weeks thereof.

The application is disposed of.

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

BLR