

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 73 OF 2022

SUBHADIP ROY- Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

10
13.12.2023

For the Applicant : Mr.T.Chattopadhyay
Advocate
For the State Respondents : Mr.Shaon Bhattacharyya
Advocate
For the Public Service : Mr.Sourav Bhattacharjee
Commission, West Bengal 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 the prayer is for setting aside the letter of the respondent authorities dated 10.12.2021 and directing them to offer an appointment in the post of Junior Engineer (Civil). Submission of learned counsel is that despite the disability certificate issued by the competent authority of Lalbagh S.D. Hospital, Murshidabad, the respondent has cancelled his candidature citing the applicant does not fulfil the requisite percentage of disability of 40% to avail the condition to the handicapped candidates.

The learned counsel also refers page 24 in which the respondent had asked the applicant to submit a certificate in original, which were duly submitted.

The respondent had also asked him to appear before a Medical Board on 27.12.2019, in which the applicant duly appeared and was medically examined.

Mr. Shaon Bhattacharya appearing on behalf of the P.S.C. refers at part 5 of the reply in which it is mentioned that the applicant possesses 7% (seven percent) disability and thus not eligible to avail handicapped quota.

After hearing the submissions of the learned counsels and on proper examination of the documents, it has become clear to the Tribunal that the Central Medical Board formed by the authorities had clearly stated applicant having disability of only 7 (seven) %. The notings of the Doctors of the Board have also noted that the applicant is not eligible to avail handicapped quota. Since this is a very clear document from the Medical Board stating the handicap percentage of the applicant as 7 (seven) percent, the candidature for the post of Junior Engineer (Civil) was cancelled. Therefore, on the basis of the records mentioned above, the Tribunal is satisfied that the decision taken to cancel the candidature of the applicant was fair and reasonable.

Accordingly, the application is disposed of without any orders.

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

BLR