

Item 24.12.2020
No. Ct. No. 12
II
SB

**M.A.T 768 of 2020
with
I.A. No. CAN 1 of 2020
(Through Video Conference)**

In Re: Koustav Mondal

Mr. Biswaroop Bhattacharya
Mr. Pratik Majumdar
... For the Appellant

Mr. Tapan Kumar Mukherjee
Ms. Saheli Mukherjee
... For the State

Mr. U.S. Menon
Mr. Abhirup Chakraborty
... For the Respondent no. 4.

Mr. Indranil Roy
Mr. Sunit Kumar Roy
... For National Medical Commission

Mr. Supratic Roy
...For WBUHS

The report of the expert appointed by us by our order dated 15.12.2020 have filed their report.

The committee constituted by us consist of heads of three eminent government colleges in the city of Kolkata. The report produced before us by the committee is set out hereinbelow:-

“As per Pure Tone Audiometry & Speech Discrimination score (SDS) done today ie 21.12.2020 at Audiovestibular Clinic, NRS Medical College & Hospital, Kolkata.

Without aid

Pure tone average (PTA) of Air Conduction of Right Ear- 30dB”.

Pure tone average (PTA) of Air Conduction of Left Ear – 23.3 ie 24dB.

As per ready reckoner (The Gazette of India / MCI guideline) monaural % of hearing disability of right ear equals to 01% (Zero One percent) & left ear equals to 00% (Zero Zero Percent) so, % of Hearing disability without aid-

Better ear (left) (00%X5) + poorer ear (right) 01%

=0.16%. So Total percentage of hearing disability is 0.16%(Point one six Percent).

SDS (Speech discrimination score without aid) Right ear 95%(Ninety-five Percent) & Left ear 100% (One Hundred Percent)

Koustav Mondal is not a person with hearing disability (PwD)

Question of using Hearing Aid does not arise in this case

Candidate does not require any hearing aid as per investigations report done today.

All the above assessments have been done as per recent MCI gazette 13th May, 2019."

This report completely falsify the disability certificate issued by the office of the Superintendent, Bolpur Sub Divisional Hospital, Bolpur, Birbhum. The disability certificate issued by the IPGME & R being the accredited institution of Medical Council of India has determined disability at 1.33 %. The said report appears to be more authentic when compared with the report filed by the experts appointed by us. The credibility of three persons who alleged to have examined the appellant and issued certificate on 14.01.2019 is doubtful.

We direct the Registrar General, High Court, Calcutta to forward the disability certificates issued by the office of the Superintendent, Bolpur Sub Division Hospital, Bolpur, Birbhum, IPGME & R and the heads of three eminent government colleges in the city of Kolkata in terms of our order dated 15.12.2020 to the Medical Council of West Bengal for appropriate action.

The appeal is accordingly, stands dismissed with costs assessed at Rs.2,000/- to be paid by the writ petitioner to the State Legal Services Authority within one week from date.

A photostat copy of the report shall be made available to the parties from the Assistant Court Officer attached to this

Court.

The original report filed in Court today is taken on record.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)