

25.01.2021.
Item no. 19.
Court No.13
ap

**W.P.A. No. 4573 of 2020
(Through Video Conference)**

**Murshidul Hossain Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Balai Lal Sahoo,
Md. Kutubuddin.

...For the petitioner.

Mr. R.M. Chattopadhyay.

...For the WBSEDCL.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner applied for the post of Assistant
Engineer (Electrical) in the year 2014 and succeeded
in all stages of recruitment except the medical test. He
was found colour blind.

The petitioner joined a private concern
thereafter. However, in the year 2017, the West Bengal
State Electricity Distribution Company Limited, on the
petitioner's request, conducted a further medical test
on the petitioner at their own facility which indicated
that the petitioner was partially colour blind.

The petitioner now seeks a direction from this
Court on the West Bengal State Electricity Distribution
Company Limited to consider an independent medical
report by an independent body that may be appointed
by this Court.

Having heard the learned Counsels for the parties, this Court is of the view that the petitioner's cause of action is rather stale since it is first arose in the year 2014 and then subsequently in the year 2017 when the second medical test was conducted.

In view of the above, no relief can be granted in this writ petition for delay and laches on the part of the petitioner.

Hence, the instant writ application fails and is hereby dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)