

06.12.2021
SL No. 58
Court No. 24
(P.M.)

WPA 18792 of 2021

**Santu Dey
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Pradip Kumar Ghosh
... for the petitioner

Mr. Swapan Kr. Dutta,
Mr. Pradyut Kr. Das
... for the State

Mr. Ratul Biswas
... for the Board

The petitioner participated in the selection process of Primary Teachers under the Physically Handicapped category. The petitioner was successful. The Council fixed 19th February, 2021 as the date where the candidates under the reserved category which included physically handicapped candidate were directed to appear for counseling and submission of all testimonials and certificate in original.

On the date of verification of the testimonials i.e. on 19th February, 2021 the petitioner did not have a valid physically handicapped certificate. The certificate which was issued in favour of the petitioner on 2nd February, 2010 was valid for ten years. The same expired on 1st February, 2020.

According to the petitioner in view of the Covid situation that was prevailing it was not possible for him to immediately renew the said certificate.

It appears that the petitioner had obtained the certificate of his disability on 23rd February, 2021 i.e. four days after the date of scrutinization of original certificates and interview.

As the petitioner participated in the recruitment process under the Physically Handicapped category, the petitioner ought to have a valid certificate with him on the date the same was to be produced before the authority for verification.

Admittedly, the petitioner did not have a valid certificate on the date the certificates were scrutinized. However, as it appears that the petitioner is a physically handicapped candidate and did have a certificate which was valid till February, 2020 and a fresh certificate was issued in his favour immediately after the date of scrutinization of the original certificates, accordingly, keeping in mind the condition of disability of the petitioner, the instant writ petition is disposed of by directing the respondent No. 4, Secretary, West Bengal Board of Primary Education to consider the prayer of the petitioner for taking into account the certificate of disability which was issued in his favour on 23rd February, 2021.

The aforesaid respondent shall call for the original certificate to be produced by the petitioner at the earliest. Step shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)