

06.12.2021
SL No. 59
Court No. 24
(P.M.)

WPA 18795 of 2021

**Adarsa Jana
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Pradip Kumar Ghosh
... for the petitioner

Mr. Jahar Datta,
Mr. Bipin Ghosh
... for the State

Mr. Ratul Biswas
... for the Board

The petitioner seeks to be appointed as a primary teacher. He appeared in the recruitment process under the Physically Handicapped category. The petitioner possessed a disability certificate which was issued on 3rd November, 2009 valid for ten years.

The West Bengal Board of Primary Education published a panel wherein the name of the petitioner appeared and 19th February, 2021 was the date fixed for scrutiny of original testimonials and certificates.

On the date of scrutiny the petitioner admittedly did not possess a valid disability certificate. The fresh disability certificate was issued in favour of the petitioner on 8th June, 2021. The petitioner thereafter made a representation before the Secretary, West Bengal Board of Primary Education on 10th August, 2021 through e-mail praying for

considering his case on the basis of the disability certificate issued in June, 2021.

The grievance of the petitioner is that the said representation has not been taken up for consideration till date.

As it appears that the petitioner appeared in the recruitment process under the Physically Handicapped category, it was incumbent for the petitioner to possess and produce a valid disability certificate on the date the original certificates were scrutinized by the authority. The petitioner did not possess the valid certificate on the date the documents were scrutinized. He thereafter obtained the disability certificate and produced the same for consideration.

It appears that there was an earlier certificate in favour of the petitioner which was valid till November, 2019 and thereafter fresh certificate was issued in his favour in the year 2021.

Keeping in mind the disabled condition of the petitioner, the instant writ petition is disposed of by directing the respondent No. 4, Secretary, West Bengal Board of Primary Education to take a decision with regard to the representation filed by the petitioner on 10th August, 2021. It will be open for the aforesaid respondent to call for the original certificate for the purpose of verification, if required. The decision shall be taken by the said

respondent 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.)