

Court No. 24
23.02.2022
(Item No. 16)
(AB)

W.P.A. 20522 of 2021
(via video conference)

Md. Humayun Kabir
VS
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur ali
Mr. Intiaj Uddin
..... for the petitioner
Mr. Biswabrata Basu Mallick
Mr. Sayak Chakraborty
..... for the State
Mr. Ratul Biswas
..... for the Board

The petitioner participated in the selection process for appointment of Primary School Teachers in the reserved category (Physically Handicapped). A disability certificate was issued in favour of the petitioner in the year 2010. According to the provisions of law, the said certificate was valid for a period of three years. The petitioner, for any reason whatsoever, did not think it fit to renew the said disability certificate and the same lost its validity after the time prescribed in law.

The petitioner participated in the recruitment process initiated by the Board and the name of the petitioner was included in the list of qualified and trained candidates under the Physically Handicapped category.

On the date of verification and scrutiny of testimonials and documents on 19th February, 2021 it was revealed that the disability certificate of the petitioner lapsed way back in 2013 and the same was not renewed thereafter. As the petitioner did not have a valid disability

certificate on the date of verification and scrutiny of documents, accordingly, the candidature of the petitioner stood rejected by the Board.

The petitioner has obtained a fresh disability certificate on 3rd March, 2021 i.e. after the date fixed for verification and scrutiny of documents.

The learned advocate for the petitioner submits that the benefit of reservation ought to be granted in favour of the petitioner, as the disability certificate which was initially issued in his favour in the year 2010 is similar to the disability certificate issued in his favour in the year 2021.

The contention of the petitioner for extending the benefit of reservation to the petitioner even though he did not possess a valid disability certificate cannot be accepted by the Court.

A candidate who intends to obtain the benefit of reservation ought to possess a valid certificate in his favour. In the absence of the same, the benefit of reservation cannot be granted in favour of the said candidate.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)