

22.
01.8.2023
S.D.

W.P.A. 16465 of 2023

Bhiku Mondal
Vs.
The State of West Bengal & Ors.

Mr. Soumyajit Bhatta
Mr. Sujit Kumar Ghosh
..For the Petitioner

Mr. Subhendu Sengupta
...For the State

By an order dated March 20, 2023 passed in W.P.A. 3784 of 2023, this Court directed the consideration of the representation of the petitioner dated December 31, 2022 by the Superintendent of Police, Malda upon medical examination by the Board. The Superintendent of Police was directed to pass a reasoned order. A reasoned order passed by S.P., Malda on May 25, 2023. Such reasoned order is impugned in the present writ petition.

From the reasoned order, it appears that the petitioner was examined by a Medical Board constituted by the Medical Superintendent-cum-Vice Principal, Malda Medical College and Hospital on May 19, 2023. The said Medical Board was comprised of six Medical Officers, Associate of Professors and the MSVP. After due deliberations and assessing the physical

condition of the petitioner, the Medical Board declared him “fit” and communicated their findings to the S.P., Malda on May 24, 2023. Therefore, the S.P., Malda by the impugned order dated May 25, 2023 rejected the prayer of the petitioner for voluntary retirement since the petitioner was medically “fit” and capable of performing his duties.

Mr. Bhatta, learned counsel appearing on behalf of the petitioner submits that no test was conducted upon him by the Medical Board.

Mr. Sengupta, learned counsel appearing on behalf of the State respondents hands over the written instructions in Court today along with the opinion of the Medical Board.

Such written instructions along with Report are retained with the records.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that there is no infirmity in the decision making process of the impugned order dated May 25, 2023. The S.P., Malda has given reasons for non-consideration of the application for voluntary retirement of the petitioner relying upon a Medical Report of a Six Member Board constituted at the Malda Medical College and Hospital, Malda.

Accordingly, **W.P.A. 16465 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the present petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)