

29.11.2023
SL Nos.7-9
Court No.8
(gc)

**FMA 1398 of 2022
with
I.A No. CAN 1 of 2023**

**Tarun Mandal
Vs.
State of West Bengal & Ors.**

With

**FMA 1427 of 2022
with
I.A No. CAN 1 of 2023**

**Atish Ghosh
Vs.
State of West Bengal & Ors.**

With

**FMA 1428 of 2022
with
I.A No. CAN 1 of 2023**

**Biswajit Roy
Vs.
State of West Bengal & Ors.**

Mr. Ashok Kumar Ganguly
... For the Appellants
in all the appeals.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey
... For W.B.C.S.S.C
in all the appeals.

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Suman Dey
... For the State
in FMA 1398 of 2022.

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Sagnik Chatterjee,
... For the State
in FMA 1427 of 2022
& FMA 1428 of 2022 .

1. Mr. Saikat Sen, Senior Law Officer is
present in Court with the report.

2. The report filed by the Director of Health Service is taken on record.
3. In view of wilful abstention of the appellants on 17th October, 2023 when the Appellate Medical Board was supposed to examine the appellants, we find that the appellants should be disbelieved with regard to their grievance of disability. In fact, to facilitate the matter, we directed the Appellate Medical Board to look into the grievances of the disabled persons who are aggrieved by the decision of the Disability Certifying Authority and we took a sympathetic view and directed the constitution of the Appellate Medical Board consisting of seven eminent Doctors. The Director of Health Service has filed a report which shows that seven eminent Doctors waited upto 1.00 p.m. but none of the appellants appeared.
4. On such consideration, we are not inclined to proceed with the matter any further. We are of the strong prima facie opinion that the Disability Certifying Authority was justified and the appellants were evading the examination conducted by the Appellate Medical Board.
5. In view of the aforesaid, all the appeals fail.

6. Accordingly, the appeals and the connected applications are dismissed.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)