

20. 02. 2023

BP
Sl. 2
Court No. 17

WPA 25726 of 2022

Shilpi Rakshit
Vs.
The State of West Bengal & Ors.

Ms. Mousumi Hazra
..for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
..for the State

Mr. Ratul Biswas
Mr. Koushik Chowdhury
..for the Board

From the report of the SSKM hospital it is found that the disability percentage of the petitioner on the date of examination is 52% and is temporary in nature and the condition is amenable to treatment for which necessary investigations and measures have been advised. It has further been given in the final opinion in hospital that the final disability percentage may be assessed after the completion of the full treatment process.

Therefore, till the full treatment process is over I cannot declare the petitioner as a physically disabled candidate. However, if she wants to participate in the selection process as a general category candidate she is

granted liberty to file an application as a general category candidate and I direct the Deputy Secretary, West Bengal Board of Primary Education to consider the said application and to allow her in the selection process as a general category candidate and not as a physically disabled candidate. If in future the petitioner is declared after the completion of full treatment process as a disabled person above 40% she will naturally get the advantage of reservation for such category.

The original copy of the report of the medical board is kept with the record. A copy of the report of the medical board is handed over by the learned advocate for the State in court today to the petitioner.

With the above observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

