

WPA 27560 of 2022
Rikta Pramanik & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Imtiaz Aktar
Mr. Sandipan Das
Mr. Akashdeep Mukherjee
Mr. Badrul karim

....for the petitioners

Mr. Jaydip Kar, Sr. Adv.
Mr. Debanjan Mukherjee

...for the WBSEDCL

The petitioners applied for the post of Office Executive, Clause – III (non-technical) as per the Employment Notification dated December 22, 2018. The selected candidates were required to qualify in the pre-employment medical examination as per the Employment Notification dated December 22, 2018. Under the norms and standard for medical fitness of the West Bengal State Electricity Distribution Company Limited (WBSEDCL), the candidates were, *inter alia*, required to go through a process of eye examination. The relevant clauses pertaining to such examination are reproduced hereinbelow:

“9.0 EYE

Standards and procedures of examination in respect of visual acuity and colour perception are as follows.

9.1. *The candidate's eyes will be tested and results of the test recorded in accordance with the following rules.*

9.2 *General : The candidate's eyes will be submitted to a general examination directed to the detection of any disease or abnormality. The candidate may be rejected if he suffers from morbid condition of eyes, eye-lids or contiguous structures of such a nature as would render him/her unfit for service at the time of appointment or at a future date.*

9.3 *Visual Acuity :*

9.3.1 *The examination for determining the acuity of vision includes two tests, one for distant, the other for near vision. Each will be examined separately.*

9.4 Fundus Examination

9.4.1 *In every case of Myopia, fundus examination should be carried out and the results recorded. In the event of a pathological condition being present which is likely to be progressive and affect efficiency of the candidate he/she should be declared unfit.*

9.4.2 *The total amount of myopia (including the cylinder) shall not exceed – 6.00D. The total amount of hyper metropia (including the cylinder) shall not exceed +6.00D in each eye.*

9.4.3 *Fundus and media should be healthy and within normal limits.*

9.4.4 *No degenerative signs of vitreous or chorioretinitis to be present, suggesting progressive myopia.*

9.4.5 *Should have good binocular vision, fusion faculty and full exacerbations or deterioration.”*

Mr. Chatterjee, learned counsel appearing on behalf of the petitioners submitted on earlier occasions that the *Fundus* examination has not been conducted for the candidates who have been detected with Myopia. Conducting of the said *fundus* examination was a mandatory requirement for the candidates who were suffering from Myopia.

This Court had directed a report on affidavit to be filed by WBSEDCL vide order dated January 30, 2023 on the issue whether The Norms and Standard of Medical Fitness was complied with by the WBSEDCL.

Mr. Kar, learned senior Advocate appears on behalf of WBSEDCL and draws the attention of this Court to the Report-on-Affidavit filed on behalf of WBSEDCL

From the Report-on-Affidavit filed on behalf of the WBSEDCL it appears that a *fundus* test was conducted on all the petitioners/candidates. Such Eye Reports are annexed to the affidavit. From the eye reports of the Medical Board of the Regional Institute of Ophthalmology, Medical College and Hospital Campus, Department of Health and Family Welfare, Government of West Bengal it appears that all

the candidates suffered from Myopia that was beyond the permissible limit/abnormal visual acuity/pathological condition that was likely to be progressive affecting the efficiency of a candidate.

Considering the submissions made by the parties and the materials placed on records this Court is of the view that no infirmity/ perversity has been committed by the prospective employer/WBSEDCL in rejecting the candidature of the petitioners. Even on conjoint reading of Clauses 9.4.1 and 9.4.2 it transpires that the petitioners did not come within the allowable limit of Myopia as per the aforesaid Norms & Standard for Medical Fitness. Therefore, the petitioners were declared **unfit**.

This Court is of the view that there was no infirmity or perversity committed in the decision making process of WBSEDCL.

In the circumstances hereinabove, **WPA 27560** of 2022 is **dismissed**.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)