

06-02-2024
ct no. 13
Sl. 16
sp

WPA 2317 of 2023
With
CAN 1 of 2023
Deep Kumar Mondal
-Versus-

West Bengal State Electricity Transmission Company
Ltd. & Ors.

Mr. Bhabani Prasad Mondal
...for the petitioner

Mr. Sumit Kumar Panja,
Mr. Sujit Sankar Koley
...for the WBSETCL

CAN 1 of 2023

1. CAN 1 of 2023 has been filed by the employer WBSETCL seeking modification and/or recall of the order dated October 10, 2023.
2. It appears from the records that the writ petitioner participated in the recruitment process to the post of Junior Engineer with the WBSETCL.
3. In the pre-recruitment medical check up on 20th August 2022, the writ petitioner was found with extreme myopia. The petitioner's candidature was rejected on such ground on September 14, 2022 by the General Manager of the WBSETCL.
4. It is submitted by the writ petitioner that in respect of two other candidates who

are also medically unfit because of obesity and for bad heart condition, a second opportunity was given to them to get themselves medically fit and re-examined by the Medical Board of the employer WBSETCL.

5. The writ petitioner accordingly, made a representation to the respondents on September 28, 2022 for reconsideration and re-examination of his medical fitness.
6. The WBSETCL for some strange reason permitted the writ petitioner to appear before the Director, Regional Institute of Ophthalmology, Medical College & Hospital Campus on November 17, 2022. The petitioner appeared for re-examination and was found with the same unacceptable medical condition.
7. This Court finds that the procedure adopted by the WBSETCL to permit a candidate rejected on medical ground, to rectify his medical condition and take a second medical examination test, quite contrary to acceptable principles of service jurisprudence.

8. Be that as it may, the WBSETCL has so allowed two other candidates to rectify their medical/physical conditions.
9. The petitioner now submits that he has undergone lasic surgery for rectification of the myopia in his eyes. His vision is therefore within acceptable limits.
10. In that view of the matter, this Court requests the WBSETCL to take a sympathetic view of the petitioner's case and send him for reexamination of the condition of his eyes post his surgery.
11. If the petitioner's present medical condition, post surgery, brings his myopia within acceptable limits and if the medical authority nominated by the WBSETCL are of the view that the petitioner's myopia will not recur to unacceptable limits again, the petitioner may be considered for employment subject to fulfilment of other prescribed conditions.
12. Let the aforesaid exercise be conducted by the WBSETCL within a period of one month from date when the petitioner shall be notified of a date for appearance before an appropriate medical authority of

WBTCL's choice, to assess the petitioner's medical condition, as above.

13. The aforesaid order is passed in the very special circumstances of the case and shall not be treated as precedent.
14. With the aforesaid directions, the instant writ petition shall stand disposed of and consequently, CAN 1 of 2023 shall also stand disposed of.
15. There shall be no order as to costs.
16. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)