

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Partha Sarathi Sen

F.M.A. 567 of 2024

**The West Bengal State Electricity
Transmission Company Limited & Ors.
VS.
Deep Kumar Mondal**

For the Appellants : Mr. Sumit Kumar Panja
Mr. Sujit Sankar Koley

For the Respondents : None

Heard on : July 11, 2024

Judgment on : July 11, 2024

PARTHA SARATHI SEN, J.:-

1. In this appeal, the order dated February 6, 2024 as passed by the learned Single Judge in W.P.A. 2317 of 2023 has been assailed.

2. By the impugned order, learned Single Judge while allowing the writ petition directed the authority to consider the petitioner for employment

subject to fulfillment of other prescribed conditions within a certain time limit in the event the writ petitioner brings his myopia within acceptable limits after surgery and treatment.

3. In course of appeal, the learned advocate appearing for the appellants submits before this Court that the order impugned cannot stand in view of the fact that the writ petitioner has failed in his medical examination.

4. Despite service, the writ petitioner/private respondent did not appear.

5. On perusal of the impugned order as well as the other materials placed before us, it reveals that admittedly the writ petitioner could not succeed in his medical examination since he was found extreme myopia and accordingly his candidature was cancelled by the present appellant authority. The writ petitioner made a representation before the appellant on September 28, 2022 for reconsideration and reexamination of his medical fitness and on such request, the appellant authority permitted the writ petitioner to appear before the Director, Regional Institute of Ophthalmology, Medical College and Hospital Campus on November 17, 2022.

6. Pursuant to such permission, the writ petitioner/private respondent appeared before the said Institute for reexamination.

7. Learned Single Judge while passing the impugned order found that when the appellant/authority before us had given a chance to the writ petitioner to rectify his physical ailment and which has been done by the writ petitioner

by undergoing basic surgery, there cannot be any justification to reject his candidature which is contrary to their earlier stand.

8. Learned advocate appearing for the appellants has submitted that the writ petitioner obtained a new employment and is no longer interested.

9. In view of such, we are not unable to accede to the submissions of the learned advocate for the appellants that the learned Single Judge is not justified in passing the impugned order.

10. While dismissing the instant appeal and while affirming the order impugned, we direct the writ petitioner to appear before the appellant/authority within 15 days from today and in the event he is found to medically fit in all aspect, the appellant/authority shall consider the candidature of the writ petitioner in accordance with law.

11. With the aforementioned observation, the instant appeal being F.M.A. 567 of 2024 along with the interim applications, if there be any, stand hereby disposed of.

(Partha Sarathi Sen, J.)

12. I agree

(Debangsu Basak, J.)

S.D.

