

15.04.2024
Item No.02 (DL)
Court No.18
A.J.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 14984 of 2023

**Ardhendu Shekhar Aguan
-Vs-
The State of West Bengal & Ors.**

Mr. Ekramul Bari,
Mr. Sunit Kumar Roy.
....for the petitioner.

Mr. Biswabrata Basu Mallick, A.G.P.,
Mr. Biman Halder.
....for the State.

The petitioner was appointed as a Group-D staff of Lakshya High School(H.S), Mahishadal, Purba Medinipur, in the year 2018 he suffered from acute neurological sickness, as a consequence, could not attend the school for the period from May 08, 2018 to March 11, 2020, however, after recovery from the said illness, he resumed his duty and applied for approval of his appointment.

The District Inspector of Schools (S.E.), District : Purba Medinipore, the respondent no.4 herein, had refused to accord such approval, the petitioner, aggrieved thereby, had preferred a writ petition being W.P.A. 16536 of 2022 which was disposed of vide order dated August 25, directing the C.M.O.H., Purba Medinipur, the respondent no. 9 herein to assess the capacity of the petitioner to perform his duty and to prepare a report. The said report was directed to be placed before the respondent no. 4 for consideration of the prayer of the petitioner for such approval.

The respondent no. 4, in compliance with the said order, took the said report of the respondent no. 9 in consideration and by his Memo dated November 01, 2022 has rejected the prayer of the petitioner holding that he is psychologically unfit for the said service.

The petitioner, in the instant writ petition, has challenged the said Memo of the respondent no. 4.

This Court by the order dated August 07, 2023 had directed the Director, Department of Health and Family Welfare, Institute of Psychiatry to assess the mental health of the petitioner and to file a report before this Court.

Such exercise was carried out and the outcome of it was recorded in the form of a report dated September 17, 2023 which was forwarded to the learned Registrar-General of this Court but the same since did not reach to this Court, a report was called for by the order dated February 08, 2024 from the Office of the learned Registrar-General.

In compliance with the said direction, a lay note dated February 29, 2024 is placed before this Court wherefrom it appears that the original report is not traceable.

Be that as it may, Mr. Basu Mallick, learned Additional Government Pleader files a photocopy of the said report dated September 17, 2023, which is taken on record and is treated as the original report.

The said report certifies the fitness of the petitioner to discharge duty in the school, as such the impugned Memo is set aside.

The respondent no. 4 is directed to accord approval of the appointment of the petitioner within a period of two weeks from the date of communication of this order.

W.P.A. 14984 of 2023 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)