

13.08.2025.
PB
Sl. No.15.
Ct. No.23.

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17257 of 2009

Goutam De
Vs.
The State of West Bengal & Ors.

1. The petitioner has filed this instant writ petition seeking direction upon the respondent no. 2 for constitution of the Special Medical Board so that proper justice may be administered by quashing the impugned memo dated 4th September, 2009 issued by the respondent no. 8 annexed in the writ petition as Annexure 'P-10'.

2. The brief facts of the case are that he was selected after completion of recruitment process in the post of Assistant Teacher in aided school, Tarulia High School. He was recommended for appointment to the post of Assistant Teacher in Sanskrit (pass). In the said school, a letter of appointment has been issued to the Secretary of the school in the category of physically handicapped, but, subsequently, a notice was served to appear before the Special Medical Board constituted by the Medical Superintendent, Vice-Principal Medical

College and Hospital with a direction of the Principal to the Government of West Bengal, Department of Health and Family Welfare consequent upon an order of the Hon'ble Court for the purpose of verification of physical disability of the candidate.

3. Despite challenging the order dated 4th September, 2009, none appears on behalf of the petitioner and no accommodation is sought for.

4. This case pertains to the year 2009, almost 16 years have been passed.

5. In view of the above facts and circumstances and the nature of prayer, this Court finds it would be proper to dispose of this case on merit on the basis of material available on record as the respondent also did not file affidavit-in-opposition.

6. From the alleged Memo No. 98(32)/C/1(2)/SSC(ER), Burdwan dated 4th September, 2009, it appears that after verification of genuineness of physical disability the Board has assessed the degree of disability found less than 40% and only on that ground his recommendation for appointment for the post of Assistant Teacher in Sanskrit under P.S. category under 8th RLST(AT), 2008 was withdrawn.

7. In view of the aforesaid observation, this Court finds no sufficient ground to interfere with the said withdrawal from the post for non-fulfilment of eligibility criteria for the post. This Court is also not sit

as appellate authority to assess the order of the respondent authority. Therefore, there is no scope to interfere.

8. Accordingly **WPA No. 17257 of 2009** stands **dismissed**.

9. Interim order, if any, stands vacated.

10. There shall however be no order as to costs.

11. All parties are to act on a server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)