

S/L 82
12.06.2025
Court. No. 19
Sourav

WPA 23159 of 2012

**Sudebi Biswas
Vs.
State of West Bengal**

Ms. Anita Khatri

...for the petitioner.

1. The affidavit-of-service and the supplementary affidavit as filed today on behalf of the writ petitioner are taken on record.
2. It is pertinent to mention herein that despite service of administrative notice, none appears on behalf of the respondent/State.
3. Ms. Khatri, learned advocate who has been appointed through the Calcutta High Court Legal Services Committee to represent the writ petitioner at the very outset draws attention of this Court to the various annexures of the supplementary affidavit as filed today. It is submitted by Ms. Khatri that from the materials as placed before this Court, it reveals that the writ petitioner is a disabled person with 45 per cent loco motor disability.
4. It is further submitted that the writ petitioner being a portfolio holder of one 'Joy Baba Bholanath Disabilities Society' has made an application with the appropriate authorities for setting up a canteen at Jiban Ratan Dhar Hospital, Bongaon, North 24 Parganas. It is submitted that by issuing a letter dated 09.04.2024, the Superintendent of the said hospital

rejected the prayer of the writ petitioner without showing any cogent reason therefor.

5. It is further submitted by Ms. Khatri that from annexure –A of the supplementary affidavit at page no. 6, being a copy of the memo dated 05.08.2009, it would reveal that it has been communicated to the Medical Superintendent of the said hospital by the Assistant Commissioner (Disabilities), West Bengal that as per resolution dated 26.07.2005 in the meeting of Superintendent of Hospital under the chairmanship of Special Secretary, Health and Family Welfare, a person with disability or legal guardian is entitled to open a shop or outlet on yearly renewable licence basis.
6. It is also submitted by Ms. Khatri that while issuing the letter dated 09.04.2024, the Superintendent of Dr. J.R. Dhar S.D. Hospital, Bongaon, North 24 Parganas has failed to consider the true spirit of the said memo dated 05.08.2009 as issued by the Assistant Commissioner (Disabilities), West Bengal.
7. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition directs the jurisdictional CMOH to consider a copy of the instant writ petition as well as a copy of the supplementary affidavit as filed today as a representation of the writ petitioner and after giving an opportunity of hearing to the writ petitioner and/or her authorized

representative shall pass a reasoned order in the light of the memo dated 05.08.2009 as referred to above and shall communicate its decision to the writ petitioner either by Special Messenger or by Speed Post positively within 45 working days from the date of receipt of the server copy of the instant order together with copy of the instant writ petition and the copy of the supplementary affidavit as filed today.

8. The time limit as fixed by this Court is mandatory and preemptory.
9. Department is directed to communicate the server copy of this order together with a copy of the instant writ petition and a copy of the supplementary affidavit as filed today to the District Magistrate, North 24 Parganas who on receipt of the same shall forward the same to the jurisdictional CMOH for his compliance.
10. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the District Magistrate, North 24 Parganas.
11. With the aforementioned observation, the instant writ petition being **WPA 23159 of 2012** is disposed of.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)