

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

WPO No. 787 of 2024  
KANCHAN MANDAL  
VERSUS  
COAL INDIA LIMITED AND ORS.

BEFORE:  
The Hon'ble JUSTICE ARINDAM MUKHERJEE  
Date: 20<sup>th</sup> February, 2025.

Appearance:  
Mr. Partha Ghosh, Adv.  
Mr. Amal Kumar Datta, Adv.  
Ms. Simran Sureka, Adv.  
Mr. Debashis Das, Adv.  
Mr. Bratin Suin, Adv.  
For the petitioner.

Mr. Krishnendu Bhattacharya, Adv.  
Ms. Subhasri Chatterjee, Adv.  
For the respondent nos. 4-12.

The Court :- Learned Advocate representing ECL placed before this Court a letter dated 18<sup>th</sup> February, 2025 written by the Manager (P) Bankola Colliery of ECL addressed to the learned Advocate representing ECL. The said letter is taken on record.

On a perusal of the said letter the following appears :

“In reference to the above, the Competent Authority of ECL HQ has communicated that the petitioner Shri Kanchan Mandal may be considered in Time Rate (Surface) trainee as Initial Appointment. After completion of six months training he will be placed in surface

job as regular employee like Sweeper/Pump Attendant/Helper To Electrician/plumber/carpenter etc. in respect of PWD Cases subject to Disability Certificate, Manpower Budget and as per provision of the Company”.

The letter, however, also says that PWD certificate issued by Suri Sadar Hospital, Birbhum which was submitted by the petitioner on verification was declared as “Not Included in their office record (Disability Certificate Issue Register)” Vide no-17 dated 20/01/2022 of Superintendent, Suri Sadar Hospital. This, according to ECL, amounts to submitting fake document and furnishing false information by a candidate to claim a job which is gross misconduct on his part.

After going through the pleadings in the writ petition and in particular paragraph 39 thereof and the portion of the letter dated 18<sup>th</sup> February, 2025 which speaks about the certificate, I find that the document submitted by the petitioner alleged to have been issued by Suri Sadar Hospital, Birbhum assuming without admitting it to be fake is of no consequence since the petitioner has been examined by the Regional Institute of Ophthalmology (RIO), Medical College & Hospital at Kolkata pursuant to the order passed by this Court wherein the condition of the petitioner’s vision has been clearly identified. There is also a doubt as to what has been produced by the petitioner before ECL. As a person on being medically examined is issued a prescription recording the findings therein and the medical advice. Upon producing such prescription and complying with other formalities the said person is issued the PWD Certificate by the hospital which is recorded in a register, if any, maintained by the said hospital for such purpose. The petitioner may have not

submitted his prescription containing the findings on his medical examination by Suri Sadar Hospital for PWD certificate and as such nothing was recorded in the Disability Certificate Issue Register. The petitioner had also not availed any undue advantage by producing the document issued by Suri Sadar Hospital, Birbhum, particularly when RIO has given his findings.

The aforesaid facts and circumstances ECL is directed to place the petitioner as a Time Rate (Surface) trainee on or before 31<sup>st</sup> March, 2025. The appointment of the petitioner as Time Rate (Surface) trainee, however, shall not be his initial appointment as the petitioner is a permanent employee of ECL for quite some time before suffering vision problem but had to change his designation/category due to vision problem.

It is, therefore, clarified that he should be given all past benefits for the past service he had rendered with ECL prior to be appointed as Time Rate (Surface) trainee subject to fulfillment of necessary formalities on or before 31<sup>st</sup> March, 2025. It is also made clear that since RIO has opined about the vision of the petitioner, ECL shall not insist upon production of disability certificate by the petitioner for the purpose of giving the employment to the petitioner.

Nothing further remains to be adjudicated in this writ petition.

Accordingly, the writ petition is disposed of.

(ARINDAM MUKHERJEE, J.)