



168.
2.5.2023
S.D.

W.P.A. 23276 of 2022

**Anupam Ganguly
Vs.
State of West Bengal & Ors.**

Mr. Sanjoy Mukherjee

.....For the petitioner

Mr. Sumit Kumar Panja

Mr. Sujit Sankar Koley

...For the WBSEDCL.

Mr. Prasanta Kumar Giri

Mr. Dipak Ghosh

..For the State

The petitioner is a candidate who applied under the Rights of Persons with Disabilities Act, 2016 for the post of Junior Engineer (Electrical), Grade-II pursuant to an Employment Notification issued by the West Bengal State Electricity Transmission Company vide no. REC/2021/04. The petitioner submitted his disability certificate which records that he has permanent disability of 50% since there is ankle feet deformity. The category under which the petitioner applied was Unreserved (PWD-ID). The said category was reserved for persons with disabilities of autism, intellectual, specific learning disability, mental illness and multiple disabilities. By a reasoned order dated September 27, 2022, the General Manager (HR & A), WBSEDCL rejected the



candidature of the petitioner in PWD-ID category since the disability certificate did not reflect the same.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner submits that the reasoned order which is impugned in the writ petition did not consider Section 34 (1)(e) of the 2016 Act. Persons with multiple disabilities were also to be considered as persons with disability if the disability was of such a nature that it came under the purview of Clauses 34(1)(a) to (d).

Mr. Panja, learned counsel appearing on behalf of the WBSEDCL submits that the petitioner made a representation for consideration of his prayer for acceptance of his disability in any category of the Employment Notification even if he did not come within the definition in the category in which he applied. Such a representation was dated October 12, 2022. The other candidates who made such representations were called for hearing, but the petitioner despite being called chose not to appear during the said hearing. He prays for leave to bring the necessary documents on record.

Let a report on affidavit be filed by respondent no. 5 (HR & A) or any other authority delegated by him on the issue why the petitioner's candidature was not considered in the UR category of disable candidates under the 2016 Act.



Let such report be filed by May 19, 2023.

Exception, if any, be filed by June 9, 2023.

Let the matter appear for further consideration under the same heading “**Motion**” on **June 15, 2023**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

(Lapita Banerji, J.)